

MCO P5580.2

# MARINE CORPS LAW ENFORCEMENT MANUAL



U.S. MARINE CORPS

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MARINE CORPS ORDER P5580.2A

From: Commandant of the Marine Corps  
To: Distribution List

Subj: MARINE CORPS LAW ENFORCEMENT MANUAL

Ref: (a) SECNAVINST 5212.5  
(b) Marine Corps Manual  
(c) Uniform Code of Military Justice  
(d) Manual for Court Martial  
(e) Title 18, U.S.C.  
(f) Assimilative Crimes Act  
(g) U.S. Navy Regulations  
(h) Posse Comitatus Act  
(i) SECNAVINST 5820.7  
(j) MCO P1200.7  
(k) MCO P1000.6  
(l) MCO 5330.3  
(m) MCO 5110.1  
(n) MCO 1752.3  
(o) DoD DIR 5030.49  
(p) Status of Forces Agreement  
(q) OPNAVINST 5585.2  
(r) MCO P1020.34  
(s) MCO P4400.120  
(t) MCO 5500.14  
(u) MCO 1630.3  
(v) MCO 3302.1  
(w) OPNAVINST 5530.14  
(x) MCO 1510.86  
(y) MCO 5500.6  
(z) AR 195-5  
(aa) MCO 1220.5  
(bb) SECNAVINST 5520.3  
(cc) Memorandum of Understanding (MOU) Between Commandant  
of the Marine Corps (CMC) and the Director, Naval  
Criminal Investigative Service (NCIS)  
(dd) FM 19-20  
(ee) SECNAVINST 5520.4  
(ff) Reports and Forms Preparation Guide for the Navy  
Security Force  
(gg) MCO 1630.4  
(hh) MCO 4340.1  
(ii) MCO 5500.18

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(jj) OPNAVINST 5530.13  
(kk) SECNAVINST 5211.5  
(ll) SECNAVINST 5720.42  
(mm) Brady Bill  
(nn) DoD MAN 4160.21M  
(oo) DoD DIR 3025.15  
(pp) Uniform Crime Reporting Act of 1981  
(qq) Blacks Law Dictionaries  
(rr) Uniform Crime Reporting Handbook  
(ss) NCIC Uniform Offense Classifications  
(tt) Fifth Amendment to the Constitution  
(uu) Public Law 93-415  
(vv) MCO 5100.19  
(ww) DoD DIR 5210.56  
(xx) SECNAVINST 5500.29  
(yy) MCBul P8011  
(zz) MCO P8011.4  
(aaa) MCO P5510.18

Encl: (1) LOCATOR SHEET

1. Purpose. This directive establishes general policy pertaining to the missions, organization, authority, jurisdiction, and operational functions of military police organizations aboard U. S. Marine Corps installations.
2. Cancellation. MCO P5580.2 (Marine Corps Law Enforcement Manual)
3. Background. The Marine Corps Law Enforcement Manual was initially published to compensate for the lack of uniform written standards pertaining to the operation of Marine Corps military police organizations. Since the initial publication of the Manual, many of the standards initially identified have been refined and/or validated in a continuous effort to provide the installation commander with both a professional military police organization as well as the flexibility to accomplish the unit's mission. Additionally, this revision provides information that commanding officers and/or provost marshals have identified as needing clarification or policy changes.
4. Action. Commanders will implement the contents of this manual and augment the guidance provided with local directives as required.

5. Records Disposition. Records required by this manual will be maintained per part II, chapter 5, items 5500 through 5530 of SECNAVINST 5212.5.

6. Recommendation. Recommendations concerning this manual are invited and will be submitted to the Commandant of the Marine Corps (POS-10) via the appropriate chain of command.

7. Certification. Reviewed and approved this date.



M. R. STEELE  
Deputy Chief of Staff  
for Plans, Policies, and Operations

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Enclosure (1)

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RECORD OF CHANGES PAGE

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change



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# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 1

### THE PROVOST MARSHAL OFFICE

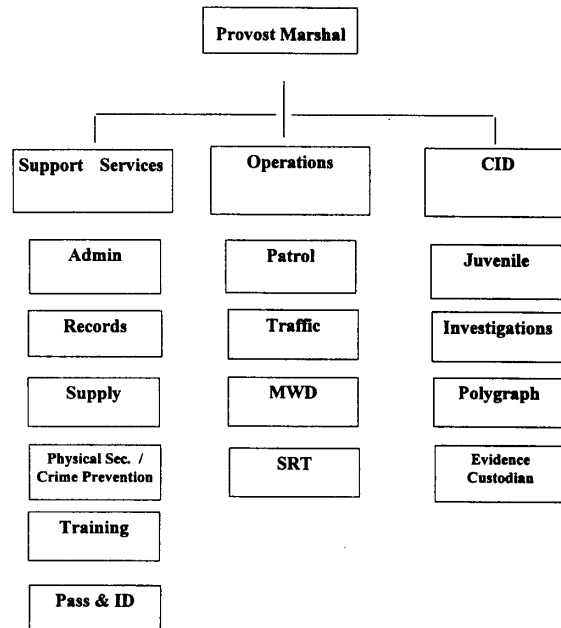
#### SECTION 1: PROVOST MARSHAL OFFICE (PMO) ORGANIZATION

1100. THE PROVOST MARSHAL OFFICE. Section D, paragraph 1300 of the Marine Corps Manual (MCMAN) tasks commanding officers with the responsibility for the preservation of good order and discipline. In accordance with the provisions of the MCMAN, commanding officers exercise this responsibility through the delegation of authority to military police for execution of those missions pertaining to law enforcement and the maintenance of installation security. Accordingly, the provost marshal (PM) serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the operation of the Provost Marshal Office (PMO). The PM is charged with responsibility for, and authority to execute, the following missions:

1. Conduct law enforcement operations
2. Conduct criminal and traffic accident investigations
3. Provide police community services

1101. ORGANIZATION OF THE PROVOST MARSHAL OFFICE. The organizational structure of the PMO may vary (the office may also be called a Military Police Department), but it generally consists of: Police Administration/Services, Operations, and Criminal Investigation Division (CID). Figure 1-1 depicts an ideal PMO organizational structure. Figure 1-2 depicts functional areas of responsibility.

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**PMO ORGANIZATION**

Figure 1-1

# MARINE CORPS LAW ENFORCEMENT MANUAL

FUNCTION	OPERATIONS	INVESTIGATIONS	SERVICES
PATROL	X		
TRAFFIC ENFORCEMENT	X		
MILITARY WORKING DOGS (MWD)	X		
CRITICAL INCIDENT RESPONSE	X	X	X
FLIGHTLINE SECURITY	X		
GAME WARDEN	X		
CUSTOMS	X		
INSTALLATION ACCESS CONTROL	X		X
DETENTION CELLS	X		
PROTECTIVE SERVICES		X	
CRIMINAL INVESTIGATIONS		X	
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POLYGRAPH		X	
SPECIAL EVENTS	X	X	X
REGISTRATION (VEHICLE, PET, AND WEAPON)	X		X
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LOST AND FOUND	X		X
VEHICLE IMPOUND	X		X
ANIMAL CONTROL			X
STATISTICAL REPORTING			X
POLICE/COURT LIAISON			X
SPECIAL REACTION TEAM (SRT)	X		
TRAINING			X

## FUNCTIONAL RESPONSIBILITIES

Figure 1-2

# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 1

### PROVOST MARSHAL OFFICE

#### SECTION 2: MILITARY POLICE AUTHORITY

##### 1200. MILITARY POLICE AUTHORITY

1. Military police are vested with the authority to perform law enforcement, investigative and police services on behalf of the installation commander. All criminal incidents/complaints which occur aboard the installation will be reported to the provost marshal (PM) who will take action to cause an initial investigation of the offense by military police.

2. The authority of military police to enforce military law, orders, and regulations is derived primarily from the powers granted by Congress and the President. Article 7 of the Uniform Code of Military Justice (UCMJ) and R.C.M. 302, Manual for Courts Martial (MCM) are the basis upon which military police are empowered to apprehend military offenders. Title 18, U.S.C., and the Assimilative Crimes Act serve as the basis for the authority over civilian offenders.

3. While there is no statutory authority granted to apprehend civilians who are not subject to the UCMJ, military police, under the authority of the installation commander and citizen arrest principles, may detain an individual suspected of an offense in accordance with the provisions of U.S. Navy Regulations, Article 0809.

1201. LIMITATIONS. Unless specifically permitted by the Constitution or by statute, the Posse Comitatus Act prohibits direct use of the Army and Air Force in civilian law enforcement. The Secretary of Defense and Secretary of the Navy have applied the same restrictions to the Department of the Navy see SECNAVINST 5820.7.

1202. JURISDICTION. As used herein, the concept of "jurisdiction" refers to the authority of military police to apprehend military personnel and detain civilians. In order for an apprehension and/or detention to be legal, military police must comply with the Constitution and existing statutes, as well as, possess authority over the person, the offense and the location.

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## CHAPTER 1

### PROVOST MARSHAL OFFICE

#### SECTION 3: PERSONNEL STANDARDS

1300. ASSIGNMENT TO LAW ENFORCEMENT DUTIES. Personnel assigned military police occupational specialties (5800) must meet the requirements set forth in the current edition of MCO P1200.7 (MOS Manual). Waivers may be granted by CMC (POS) based on individual case circumstances.

1301. AUGMENTATION PERSONNEL/LATERAL MOVES. Personnel assigned to law enforcement duties within the PMO under the auspices of the Fleet Assistance Program (FAP) or local augmentation programs (i.e., auxiliary or IMA (Individual Mobilization Activity) MPs), will be interviewed by the provost marshal or his designated representative to determine their suitability for assignment to the provost marshal for duty. Personnel desiring to make a lateral move to MOS 5811/21 will submit their request through their career planner.

#### 1302. MOS RECLASSIFICATION

1. The provost marshal may determine that individuals assigned to PMO are not capable of satisfactorily executing the responsibilities associated with law enforcement duties based upon the individual's performance and/or conduct. In those instances, and when the individual possesses the capability to effectively serve the Marine Corps in another capacity, the provost marshal will, in accordance with the ACTS Manual (MCO P1000.6), make a recommendation to the installation commander for voiding/reclassifying a Marine's PMOS.

2. . Any Marine military police (5811 or 5821) convicted by a courts-martial or civilian court, or awarded nonjudicial punishment (NJP) for any offense involving domestic assault, moral turpitude, or possession, use or transfer of dangerous drugs or marijuana; or identified on a urinalysis screening test as a drug or marijuana user, will have their PMOS and AMOS voided and the incident will be reported to CMC (POS). All such actions will be entered into the Marine Corps Total Force System (MCTFS) at HQMC and will appear on the concerned unit's DFR.

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1303. STANDARDS OF CONDUCT

1. Responsibility. Law enforcement personnel must take all reasonable and legal actions within their authority and area of jurisdiction to enforce laws and to ensure the security of the installation.

2. Conduct. Personnel must adhere to traditionally established and uniformly accepted standards of conduct and ethics generally applied to all Marines and law enforcement officials. Violations of this order may result in adverse administrative or disciplinary action. Specifically, military police will not carry, display or otherwise use their official position, credentials, badges, or authority when off duty or:

- a. For personal or financial gain.
- b. For obtaining special privileges not otherwise available.
- c. For avoiding the consequences of illegal acts.
- d. To obtain information outside their scope of duties which is not otherwise available.
- e. To disseminate information regarding the official business of the PMO except to those for whom it is intended and whom have a legal and legitimate need to know.

3. Off-Duty Employment. Consistent with the provisions set forth in the current edition of MCO 5330.3, military police may engage in off-duty employment. Prior to approval by the individual's commanding officer, the provost marshal will provide a written recommendation as to the suitability of the employment position for which the military policeman is applying. Employment as private investigators or bail bondsmen is prohibited.



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CHAPTER 2

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## CHAPTER 2

### LAW ENFORCEMENT OPERATIONS

#### SECTION 1: OPERATIONS POLICY

##### 2100. PATROL

1. Access Control. Gates facilitate the entry and exit of authorized vehicle/pedestrian traffic and control its flow. Gates will be limited to the number consistent with efficient operations. Such factors as the centers of activity and personnel, vehicular access and egress should be considered in locating and manning gates.

##### 2. Sentry Duties

a. Serve as the first echelon of installation security, conducting appropriate inquiry, inspections and control as directed.

b. Expedite traffic through the gate in a timely and efficient manner.

c. Stop all traffic when necessary, e.g., requested by a patrol unit or required by an alarm activation.

d. Conduct static enforcement of all regulations.

e. Provide information and directions.

3. Command Authorized Inspections. Inspections are an effective tool for the installation commander to deter the theft of government property, the introduction of contraband and to detect other illegal activity. When authorized, inspections will be conducted in accordance with the Manual for Courts-Martial and local policies. Inspections may be held anywhere aboard the installation as approved by the installation commander. Inspections must:

a. Be scheduled in advance and approved by the installation commander.

b. Be coordinated with the SJA to ensure strict adherence to a structured random inspection pattern.

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### 2101. ALARM RESPONSE

1. The following priorities of response will be established in the event of simultaneous alarm activation:
  - a. Areas designated as vital to national security.
  - b. Life threatening situations.
  - c. Arms, Ammunition and Explosives (AA&E) storage areas.
  - d. Other areas as designated by the installation commander.
2. The provost marshal will develop and execute local drills and response plans as follows:
  - a. Response plans will be developed for each alarmed facility.
  - b. Response drills to test plans will be conducted on each alarmed facility at least semi-annually.
  - c. Response drills will be recorded in the Desk Journal (OPNAV 5527/19) which will be maintained for two years.

2102. TRAFFIC ENFORCEMENT. The installation provost marshal will exercise overall responsibility for directing, regulating and controlling traffic, and enforcing laws pertaining to traffic control. Both marked and unmarked vehicles may be used to enforce traffic regulations.

1. Traffic Circulation Plan. The provost marshal, in coordination with the installation safety manager and traffic engineer, is responsible for the overall traffic circulation plan for the installation. Traffic surveys are used to support this plan. The provost marshal will approve both temporary and permanent changes to this plan to support special events, road closures and new construction. The provost marshal will approve the placement of all temporary and permanent traffic control signs and devices aboard the installation. A traffic survey should be conducted at a minimum every five years.
2. Low Risk Traffic Stops. Low risk traffic stops will only be conducted in the event of traffic violations, defective equipment, or other suspicious activity. Local procedures will

be established stressing safety, timeliness and courtesy as being paramount.

3. High Risk Traffic Stops. High risk traffic stops will only be conducted when there is a reasonable belief that the driver or occupants have committed a serious criminal offense and there is an imminent threat to the safety of the military police and/or the public.

4. High Speed Pursuits. High speed pursuits aboard the installation should be avoided due to the potential danger to military police, bystanders and suspects. When conducted, they will be in compliance with this order. [See Appendix F.]

5. Hot Pursuit. Military installations are located in close proximity to civilian jurisdictions. Hot pursuits onto or off of the installation must be coordinated and conducted in accordance with procedures established with adjacent jurisdictions.

6. Road Blocks. Moving road blocks will not be used. On those occasions when stationary roadblocks are necessary, they will only be established in accordance with local directives and this order. [See Appendix F.]

7. Entry/Exit Point Vehicle Inspections. These are an effective tool which should be used by military police to ensure compliance with vehicle safety and registration requirements, safeguard government property, control contraband, and to deter and detect drunk driving. (See para 2100.2)

8. Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Enforcement. MCO 5110.1\_ outlines the procedures for testing, apprehending and processing DWI/DUI offenders. The meaning of the terms "DWI" and "DUI" vary from state to state, as well as the level of blood alcohol content (BAC) that constitutes each. Persons who are suspected of driving under the influence but have a BAC level less than 0.01% should be tested for drug use, using the locally accepted method. Installations operating under the Assimilated Crimes Act will use the current laws of the jurisdiction where the installation is located. Unless specified in an assimilated state law, follow guidance set in current edition of MCO 5110.1\_.

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9. Speed Measuring Devices. The use of speed measuring devices supports the Marine Corps program to reduce traffic accidents and injuries. These are authorized for use aboard the installation only as approved by the installation provost marshal. Their use may be scheduled in advance as part of the overall traffic enforcement program. Speed measuring devices must be maintained and calibrated according to the manufacturer's guidelines and state requirements. Operators of speed measuring devices will be certified to state or local standards.

2103. MONEY ESCORTS. Cash escorts should be limited to appropriated funds only (commissary, disbursing, etc.). Escorts may be provided as authorized by the Provost Marshal, but will be provided for \$10,000.00 or more cash. While conducting escorts, military police will not handle the funds. Transportation for the courier will be provided by the requesting agency, keeping the military police in a separate vehicle. Provost Marshals will establish local policy on how money escorts will be conducted aboard the installation.

2104. COMMUNICATIONS PROCEDURES. Plain language will be used as much as possible and 10-codes should be kept to a minimum. The provost marshal will establish in writing a system of codes to designate the status of units. The use of traditionally accepted codes whenever possible is encouraged, however, local variations may be required to avoid confusion with adjacent agencies. Military police shall be equipped with a secure radio system. All radio communications and incoming telephone calls for service will be magnetically or digitally recorded and maintained for 30 days. Additionally, written radio dispatch logs will be maintained for two years. Consolidated dispatching for all emergency services is encouraged.

2105. DOMESTIC VIOLENCE RESPONSE. In domestic violence cases, military police will provide priority response in order to protect the victim, restore order, process the suspect and other actions as outlined in the current edition of MCO P1752.3. The provost marshal will maintain a file of active military protection orders and civilian restraining orders when they are provided. [See Appendix E.]

2106. CUSTOMS. The provost marshal is responsible for enforcing the agreement between the U. S. Customs Service, Secretary of the Navy and host nation governments in conducting customs operations on board Marine Corps installations in accordance with the

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current edition of DoD Directive 5030.49 and Status of Forces Agreement (SOFA) agreements.

2107. MILITARY WORKING DOG (MWD). The military working dog (MWD) program will maintained in accordance with the current edition of OPNAVINST 5585.2.

2108. UNIFORMS AND EQUIPMENT. Military police uniforms and equipment will be worn in accordance with the current edition of MCO P1020.34. Marine Corps military police badges are serialized items, controlled in accordance with MCO P4400.120 by the installation provost marshal. Procurement of badges will be authorized by CMC (POS-10), through an approved vendor. A local inquiry/investigation will be initiated upon the report of a lost or stolen badge. Refurbishing of damaged or worn badges is encouraged through a CMC (POS-10) approved vendor.

2109. FLIGHT LINE SECURITY (FLS). The installation provost marshal is responsible for planning, organizing, and directing the FLS program in accordance with the current edition of MCO 5500.14. He will ensure that FLS is integrated into the installation physical security plan.

2110. DETENTION CELLS. The provost marshal office will have a detention cell which is constructed and operated in accordance with the current edition of MCO 1630.3.

2111. PROTECTIVE SERVICES. All protective service details (PSD) conducted on board Marine Corps installations will be coordinated with the installation provost marshal. The provost marshal will provide PSD support upon request.

2112. GAME WARDEN. The enforcement of fish and wildlife regulations is a law enforcement function and will be closely coordinated with the installation provost marshal. Personnel assigned to this enforcement function will receive at least the minimum training requirements established in the Training section of this manual.

# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 2

### LAW ENFORCEMENT OPERATIONS

#### SECTION 2: CRITICAL INCIDENTS

2200. CRITICAL INCIDENT RESPONSE. As used herein, the term critical incident refers to those incidents where specialized training, equipment, and handling procedures are required due to the high potential for loss of life, property, or evidence. Examples include, but are not limited to:

1. High Risk Apprehensions

- a. Hostage situations.
- b. Barricaded suspects.
- c. Bomb threats.
- d. Terrorist acts.
- e. Volatile domestic incidents.
- f. Armed robberies.

2. Disaster response

- a. Manmade - Uncontrolled violent public demonstrations (e.g., riots), aircraft crashes, hazardous material/waste accidents, etc.
- b. Natural - earthquakes, hurricanes, fires, floods, etc.

2201. JURISDICTION. Military police are responsible for initial response to any criminal/emergency incident occurring aboard the installation or, as in the case of aircraft crashes, in those instances where there is an established U.S. government interest. This does not preclude the referral and/or subsequent assumption of jurisdiction by other agencies. Since military installations are classified as "federal jurisdiction", the Federal Bureau of Investigation may assume jurisdiction over domestic felony crimes such as hostage situations, terrorism, bank robberies, etc. Additionally, other agencies such as Naval Criminal Investigative Service (NCIS), Environmental Protection Agency (EPA), Explosive



Ordnance Disposal (EOD), fire departments, etc., may provide certain support services to assist the provost marshal in resolution of the critical incident. When the incident is assumed by another agency, the provost marshal will continue to provide support to the lead agency, and will retain operational control over USMC law enforcement personnel.

2202. INCIDENT RESPONSE

1. Initial. The senior MP responding will oversee actions at the scene until properly relieved by a designated PMO representative who will serve as the "on-scene" commander. The responsibility for the incident site will not be relinquished to another agency without the approval of the provost marshal or installation commander. The "on-scene" commander is responsible for:

- a. Containing the incident by establishing an inner-perimeter.
- b. Establishing a command post.
- c. Isolating the incident by establishing an outer-perimeter.
- d. Collecting and disseminating information and intelligence.
- e. If required, initiate basic communications with the suspects pending implementation of formal negotiations.
- f. If needed, direct available forces for the tactical resolution of the incident.
- g. Maintaining a detailed record of actions at the scene.
- h. Serving as the single point of contact for all actions relating to or in support of the incident.

2. Specialized. The installation commander may authorize the establishment of a Special Reaction Team (SRT) in accordance with MCO 3302.1. The provost marshal will establish a SRT or enter into an agreement with local law enforcement authorities for the provision of special response forces. Commanders should consider that local and Federal law enforcement may not be able or willing

## MARINE CORPS LAW ENFORCEMENT MANUAL

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to tactically respond to incidents aboard military installations due to their own crises. When a military police SRT is established, it will meet the criteria set forth in the current editions of OPNAVINST 5530.14 and MCO 3302.1 in order to provide the minimum capabilities of:

- a. Isolating the scene.
- b. Tactically responding from an assembly area to the scene.
- c. Effecting an entry.
- d. Employing clearing techniques (e.g., close quarters battle (CQB) skills).

### 2203. SPECIAL REACTION TEAM (SRT)

1. SRT Organization. SRT membership will be determined by the provost marshal. Dependent on manning levels, the formation of a ten member SRT is highly recommended in order to enhance response capabilities. The SRT should consist of an SRT commander, not less than five personnel comprising an entry element and ideally a four man cover element. Military police personnel regardless of their assignment within PMO, i.e., traffic control, logistics support, etc. may be assigned to an SRT.

#### 2. SRT Training

a. SRT members must be provided initial and periodic sustainment training in the specialized skills associated with critical incident resolution. Initial training may be acquired through the use of one of the following:

(1) U.S. Army SRT course, Ft. McClellan, AL. Upon successful completion, will receive secondary MOS 5815.

(2) A federal/state certified and/or Provost Marshal approved training course.

b. The SRT should receive a minimum of four hours of training each week on tactics and weapons firing. Entry team personnel should familiarize monthly and qualify quarterly with their assigned weapons. The recommended Designated Marksman bi-monthly qualification is engagement of a two inch bullseye target from the prone position at a range of 100 meters, hitting

five out of five shots without time limit. It is recommended that Designated Marksman familiarize on a monthly basis, with an emphasis on multiple target engagements with a time limit, and synchronized (coordinated with entry team movements) shooting drills. Familiarization shooting drills should be conducted at unknown distances.

3. SRT Capability. The Provost Marshal will ensure that SRT members meet the Individual Training Standards contained in MCO 1510.86A. The process will include a demonstrated ability to perform the following training standards to the installation commander's satisfaction:

- a. SRT organization, employment, and mission planning concepts.
- b. Resolving hostage/barricaded suspect situations.
- c. Team tactics for maneuver, building clearing, and actions "on-scene" to include immediate action drills in response to unplanned surrender and continued resistance.
- d. Live fire employment of weapons in training scenarios.
- e. Special entry methods to include breaching techniques.
- f. Counterterrorism response.
- g. Intra-team communications (e.g., hand/arm signals).
- h. Recognition and identification of weapons, improvised explosive devices (IED's), etc.

4. SRT Equipment. Only approved Marine Corps fielded weapons and ammunition will be employed by SRT personnel. When dictated by local requirements, the provost marshal, based on approval of the installation commander will provide the SRT specialized equipment. A list of recommended SRT equipment is located in Appendix H.

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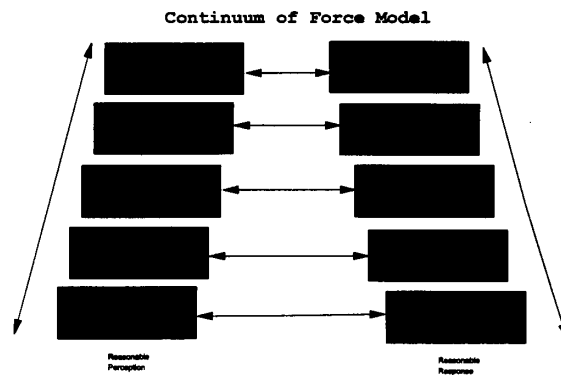
## CHAPTER 2

### LAW ENFORCEMENT OPERATIONS

#### SECTION 3: USE OF FORCE

2300. USE OF FORCE. The Marine Corps policy on the use of force is set forth in the current edition of MCO 5500.6.

2301. CONTINUUM OF FORCE. Military police must understand that, when confronted with a situation where force may be required, the response they select must be appropriate to the perceived threat. Continuum of force training must emphasize the concept that the decision to employ a particular level of force must be predicated on a "reasonable perception" of the threat. Recognizing that confrontations are often tense and fast moving, military police must nonetheless demonstrate the ability to apply the correct level of force to a given threat at any given time. The illustration below is a graphic illustration of the continuum of force concept:



2302. LEVELS OF FORCE. Military police must recognize that confrontational situations are seldom static in nature, and that the threat level can quickly escalate or diminish in direct response to what they do or fail to do. Military police will be trained to use the correct level of force to a given threat at any given time. The following are the five levels of responses that military police may employ when controlling a potentially dangerous situation:

1. Verbal commands.
2. Contact controls (open hand).
3. Compliance techniques (restraints with and without baton).
4. Defensive tactics (OC spray and baton blocks/strikes).
5. Deadly force.

2303. USE OF FORCE FORM. NAVMC 11130 (6-83), Statement of Force/Use of Detention Space (1630) will be completed by all military police and criminal investigators each time force is used, including acts preliminary to using deadly force such as chambering rounds and pointing firearms, even when firearms are not discharged.

2304. USE OF FORCE TRAINING. Use of force training for military police must include the following:

1. Instructions on legal and regulatory limitations.
2. Training in alternative uses of force.
3. Firearms safety.
4. Situational/judgemental shooting. To include quarterly firing of assigned weapon.
5. Firearms proficiency tests using both fixed and moving targets.

# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 2

### LAW ENFORCEMENT OPERATIONS

#### SECTION 4: EVIDENCE HANDLING POLICY

##### 2400. EVIDENCE CUSTODY

1. It is the responsibility of all Marine Corps law enforcement personnel to take every precaution to preserve the integrity of evidence in its original condition. Personnel must enter evidence into the custodial system as soon as possible after its collection, seizure, or surrender.

2. Provost marshals will operate the evidence custodial system in accordance with Appendix D. AR 195-5 (U.S. Army Evidence Procedures), and should be used as a guide only. The Provost Marshal will establish a system consisting of:

a. Evidence custodian (designated in writing by the provost marshal).

b. Alternate evidence custodian (designated in writing by the provost marshal).

c. Evidence storage facilities.

d. Evidence log.

e. Active Evidence Custody Record or File.

f. Final Evidence Disposition Record or File.

3. The evidence custodian or, in his absence the alternate evidence custodian, has responsibilities which cannot be further delegated to ensure that:

a. Evidence is properly inventoried, tagged, packaged, and marked prior to acceptance for storage.

b. Evidence custody documents are properly completed by military police personnel delivering the evidence for safekeeping prior to acceptance for storage.

c. Evidence is properly safeguarded.

d. The evidence log, active evidence custody record and final evidence disposition files are properly maintained.

e. Inventories of evidence holdings are conducted every quarter.

f. Evidence is disposed of in accordance with this manual.

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CHAPTER 3

INVESTIGATIONS

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# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 3

### INVESTIGATIONS

#### SECTION 1: CRIMINAL INVESTIGATION POLICY

3100. CRIMINAL INVESTIGATORS. The investigation of crime is the primary function of criminal investigators assigned to the provost marshal office. All criminal investigators (MOS 5805/5821), with the exception of those assigned to Naval Criminal Investigative Service (NCIS), will be assigned to the installation provost marshal's office. FMF commands may recall criminal investigators for limited periods of time for deployments, marksmanship qualification, physical fitness testing, training exercises, and other CMC mandated training per the current edition of MCO 1510.86.

#### 3101. APPRENTICE INVESTIGATORS

1. Selection of personnel for apprenticeship will be limited to those who have demonstrated motivation toward investigative duties and who meet the criteria set forth in the current edition of MCO P1200.7 (MOS Manual). Prior to assignment as an apprentice investigator, all Marines per MCO 1220.5J (Enlisted Lateral Move Program) must request and be accepted for a lateral move into the 5800 MOS. An NCIC criminal history check, a Defense Clearance and Investigative Index (DCII), a local law enforcement records check, SRB and Medical records checks are conducted. In addition, a CID Report of Investigation (ROI) will be initiated to ensure proper documentation of all background checks and history inquiries conducted regarding each applicant.

2. Apprentice investigators, upon attainment of the following criteria, should be recommended to the CMC (POS) for assignment to the U.S. Army Apprentice CID Special Agent Course:

a. A minimum of 6 months experience as an apprentice investigator.

b. A positive evaluation by the installation provost marshal regarding the individual's investigative abilities.

c. Completion of a Single Scope Background Investigation (SSBI), to include Department of the Navy Central Adjudication Facility (DONCAF) adjudication of eligibility to hold a Top

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Secret Clearance."

d. Meet obligated service requirements as set forth in the current edition of MCO 1220.5J.

### 3102. CREDENTIALS

1. Only those personnel who successfully complete the U.S. Army Apprentice CID Special Agent Course will be issued criminal investigator credentials. All other investigators will only be issued locally produced identification.

2. Credentials for apprentice investigators will be issued by the provost marshal.

3. Except for foreign language interpretation of authorized credentials when required by a specific Status of Forces Agreement, no other credentials or identification cards identifying any individual as a criminal investigator are authorized.

4. CMC (POS), provost marshals or military police commanders will promptly withdraw credentials when one of the following conditions exist:

a. An investigator is assigned to other than law enforcement duties.

b. When an investigator is convicted of a criminal offense.

c. When allegations of substantial misconduct exist.

d. When performance of duty is substandard, or for any other circumstance that reduces the individual's effectiveness to the point that it interferes with performance of duties.

e. Termination of the employment or investigative duty status of a civilian investigator.

5. CMC (POS) will be notified immediately when credentials are withdrawn. Withdrawn credentials may be retained locally up to 90 days. After 90 days, credentials will be forwarded to CMC (POS) with a statement explaining the circumstances leading to their withdrawal.

3103. UNIFORM AND EQUIPMENT. Criminal investigators are authorized to wear civilian clothing in the performance of their regular duties. The current edition of MCO P1020.34 (Marine Corps Uniform and Clothing Regulations) provides guidance on obtaining civilian clothing allowances. Other military police equipment will conform to standards established in MCO P1020.34 and para 2108 of this order.

3104. INVESTIGATIVE CONSIDERATIONS

1. Provost marshals will ensure that all major criminal offenses and other incidents set forth in the current edition of SECNAVINST 5520.3B are referred to NCIS, except those delineated in the Memorandum of Understanding (MOU) between CMC and the Director, NCIS.

2. When military police determine there is a need to refer investigative responsibility they will apprise the duty criminal investigator of the reported incident or if the duty investigator receives a complaint directly, he/she will:

- a. Conduct a preliminary investigation of the incident to determine investigative jurisdiction and,
- b. Assume investigative jurisdiction or;
- c. Refer the matter to NCIS or other appropriate authorities or;
- d. Decline jurisdiction per local policy.

3. When CID assumes investigative responsibility, the duty criminal investigator will document all pertinent information and prepare a ROI (Open). When it is determined that investigative responsibility rests with NCIS, the duty investigator will document the referral on a ROI (Referral). The duty investigator will provide a copy of the Open or Referral to the MP desk sergeant for entry in the Desk Journal.

4. Once NCIS has assumed investigative responsibility for an incident, the military police and criminal investigators may provide assistance as approved by the PM.

5. Guidance for conducting criminal investigations is set forth in U.S. Army publication FM 19-20.

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6. All investigations assumed by the criminal investigation division will be documented and reported on an ROI. Policy, procedures and guidance for use and preparation of this document are outlined in Appendix I.

3105. Polygraph Examinations. Polygraph examinations are administered in strict compliance with the current edition of SECNAVINST 5520.4. Requests for authorization to administer polygraph examinations will be submitted in writing to the CMC (POS). A ROI will be utilized for the polygraph examination request. The request can be transmitted via electronic mail or facsimile device. Approval to administer a polygraph examination will be granted by CMC (POS). Polygraph charts and reports of investigation will be forwarded to CMC (POS) within 3 working days. Those installations not accessible to Marine Corps Polygraph technical support may request polygraph support from the local Naval Criminal Investigative Service (NCIS) utilizing a Report of Investigation (ROI)(Pending).

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# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 3

### INVESTIGATIONS

#### SECTION 2: TRAFFIC ACCIDENT INVESTIGATION POLICY

##### 3200. TRAFFIC ACCIDENT INVESTIGATIONS

1. The provost marshal will investigate motor vehicle traffic accidents consistent with the current edition of MCO 5110.1 and the guidelines set forth herein.

2. Traffic accident investigations undertaken by PMO do not negate the requirement for commanders to conduct JAGMAN investigations.

3201. ACCIDENT INVESTIGATORS. Enlisted MPs (Cpl-GySgt) who have completed the U.S. Air Force Traffic Management and Accident Investigation Course, Lackland AFB, TX, or the Traffic Institute Accident Investigators Course and have been assigned additional MOS 5813 are considered qualified accident investigators. Accident investigators are normally assigned within the operations division of PMO.

##### 3202. LIMITED TRAFFIC ACCIDENT INVESTIGATIONS

1. Limited traffic accident investigations will consist of a completed Incident Complaint Report (ICR) with appropriate statements or a locally produced equivalent form. When necessary, the provost marshal may authorize military police (MOS 5811) to perform limited accident investigations. A limited traffic accident investigation may be conducted on motor vehicle accidents which meet the following thresholds:

- a. Non-injury POV/POV accidents.
- b. Non-injury GOV/GOV accidents.
- c. Non-injury POV/Fixed object or Gov/Fixed object accidents which will not result in a claim for or against the government.

2. The provost marshal may establish local policy governing when/if military police will respond to minor, non-injury motor vehicle accidents and whether the vehicle operators may drive the vehicles to PMO to file a report.

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3203. DETAILED TRAFFIC ACCIDENT INVESTIGATIONS

1. A detailed traffic accident investigation will be conducted on all motor vehicle accidents which meet the following thresholds:

a. All accidents which involve an injury/fatality to any person.

b. All accidents which involve a GOV and a POV.

c. Any vehicle accident where the potential for litigation against the U.S. government or other significant federal interest exists.

2. Detailed traffic accident investigations will be conducted by an accident investigator possessing MOS 5813. Detailed investigations will be completed using the forms and procedures set forth in the Reports and Forms Preparation Guide for the Navy Security Force with all appropriate pictures, sketches, and attachments, and attached to ICR as addendum.

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MARINE CORPS LAW ENFORCEMENT MANUAL

CHAPTER 4

POLICE-COMMUNITY SERVICES

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## CHAPTER 4

### POLICE-COMMUNITY SERVICES

#### SECTION 1: COMMUNITY SUPPORT

##### 4100. CRIME PREVENTION

1. Statistics. Provost marshals will ensure the timely submission of crime statistics to CMC (POS) in accordance with the current edition of MCO 1630.4.

2. Missing, Lost, Stolen and Recovered (MLSR) Reporting. MLSR reporting is a command responsibility in accordance with the current edition of MCO 4340.1. Provost marshals will receive and review all MLSRs and determine if additional investigative or reporting action is required.

3. Crime Prevention Surveys. Provost marshals will conduct crime prevention surveys in accordance with the current edition of MCO 5500.18 to assist commanders in determining the nature, extent and underlying cause of crime in order to aid him/her in developing a course of action.

##### 4. Crime Prevention Programs

a. The provost marshal will establish installation crime prevention programs in accordance with the current edition of MCO 5500.18. Provost marshals should routinely coordinate with local law enforcement agencies to eliminate duplicative crime prevention efforts.

b. Crime prevention programs include, but are not limited to:

- (1) Child identification programs
- (2) Operation ID
- (3) Crime Stop
- (4) Drug Abuse Resistance Education (D.A.R.E.)
- (5) McGruff (Crime Dog)

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- (6) National Night Out
- (7) Neighborhood watch
- (8) Gang Resistance Education and Training (GREAT)

c. D.A.R.E. instructors must be state certified. Certification by the state in which the installation is located is not required. Overseas installation instructors will be certified stateside or by an approved DoD Mobile Training Team (MTT).

### 4101. PHYSICAL SECURITY

1. Provost marshals will comply with the guidance on the conduct of physical security programs contained in the current editions of OPNAVINST 5530.13 and OPNAVINST 5530.14.

2. The provost marshal serves as the commander's representative for physical security matters. In this role the provost marshal is responsible for the following:

a. Developing a comprehensive installation physical security plan. This plan will cover the means and measures necessary to achieve antiterrorism readiness, safeguard personnel, and protect property by preventing, detecting, and confronting acts of unauthorized access, terrorism, espionage, wrongful destruction, and other acts.

b. Assisting in the establishment and administration of the installation Physical Security Council which shall meet quarterly.

c. Conducting annual physical security surveys on designated facilities and areas in order to identify procedures, equipment and security upgrades necessary to detect, delay, deter and/or prevent the wrongful removal, damage, destruction or compromise of protected property.

d. Providing oversight of the electronic security systems (ESS) aboard the installation to include:

(1) Ensuring ESS that enunciate at PMO are compatible with the existing Monitor Dynamics Incorporated (MDI) system, and are installed by Space and Naval Warfare Systems Center,

Charleston, S.C.

(2) Approving the design, procurement and installation of ESS to ensure system interoperability/compatibility with the command's existing security program.

(3) Ensuring operator and maintenance training is coordinated through CMC (POS).

e. Reviewing all plans for new construction or major modifications to all facilities that store high value items, weapons or ammunition.

f. Assist in identifying restricted areas that will later be submitted in writing by tenant commands.

g. Reviewing all requests for physical security waivers and exceptions from tenant activities prior to submission to CMC.

4102. ANIMAL CONTROL

1. The provost marshal will establish a program for domestic animals that are a nuisance, neglected, abused, unattended or have inflicted a bite. Captured animals can be returned to the owner or taken to either the installation or local animal shelter. The Game Warden will be contacted when the animal is not domesticated.

2. The provost marshal will develop procedures for animal holding facility operations, capture techniques, quarantine and disposition in coordination with the local veterinary/animal control.

3. The provost marshal will develop procedures for the enforcement of animal control and pet revocation privileges in conjunction with the Housing Office.

4103. POLICE RECORDS UNIT

1. Records Systems. The provost marshal is responsible for establishing and maintaining a police records system which provides for the proper preparation, distribution, reporting, and retention of all reports generated by the PMO. At a minimum, this will include provisions for the administrative handling of the following:

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- a. Desk Journals.
- b. Incident Complaint Reports.
- c. Criminal investigations.
- d. Traffic accident investigations.
- e. Registrations (vehicles, weapons).
- f. Crime prevention surveys.
- g. Physical security surveys.
- h. Criminal history databases.
- i. Impoundment/storage actions.
- j. Evidence.
- k. Lost and Found.
- l. Juvenile records.

2. MP Reports/Forms Preparation. MP reports/forms will be prepared in accordance with the Reports and Forms Preparation Guide for the Navy Security Force. Forms contained in this manual are available in the Marine Corps Electronic Forms System (MCEFS). Required reports/forms that are not described in the Preparation Guide will be prepared in accordance with appropriate regulations or local policy.

3. Records Retention. PMO administrative records will be retained and disposed of in accordance with the provisions of the current edition of SECNAVINST 5212.5.

#### 4. Release of Records

a. Due to the sensitive nature of many of the actions which are handled by military police and the legal limitations imposed by the provisions of SECNAVINST 5211.5, Privacy Act, all records maintained by PMO will be regarded as "For Official Use Only." Accordingly, the release of information to others outside PMO should be based upon a "need to know." This does not preclude the release of records to other DoD or civilian law enforcement

agencies when those officials are acting within the scope of their duties.

b. Requests for the release of records may be approved by the provost marshal in those instances where:

(1) The concerned individuals have provided properly signed Privacy Act release forms or;

(2) Records have been requested under, and in compliance with, the procedures set forth in SECNAVINST 5720.42, Freedom of Information Act (FOIA), and Brady Bill, and the release has been approved by the FOIA Coordinator or;

(3) Records have been properly subpoenaed by a legally constituted court or judicial body or;

(4) The records are an essential element in an on-going investigation being conducted by military or civilian law enforcement officials.

5. Special Case Records. Due to the extremely sensitive nature of certain criminal records the provost marshal will limit distribution of certain law enforcement reports. To this end, the provost marshal will exclude detailed information from the Desk Journal concerning sex crimes and incidents involving juveniles to protect victim/suspect(s) from unwarranted embarrassment/ harassment. When information is excluded from the Desk Journal, the incident will be listed as a "RESTRICTED ENTRY-NOTAL," and the information will be disseminated based upon local policies established by the provost marshal and the installation commander.

6. Distribution of Law Enforcement Reports/Records

a. The provost marshal will, based upon guidance from the installation commander, establish local distribution procedures for all law enforcement reports.

b. Distribution of police reports/records will be minimized to the extent possible due to the sensitive nature of their contents and the legal implications of the Privacy Act.

7. Administrative Forms, Tags, Logs, Etc. Military police will prepare all forms, logs, tags, etc in accordance with the Reports

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and Forms Preparation Guide for the Navy Security Force.

Computer generated facsimiles of the documents listed may be utilized provided that they contain the same basic information

### 4104. LOST & FOUND

1. Collection. Military police who recover found property will tag the items with a DON Evidence Tag and complete the DON Evidence/Property Custody Receipt. The property will then be relinquished to the Lost and Found Custodian

#### 2. Records

a. The Lost and Found custodian will maintain a log book that contains the recovery date, description of item and final disposition to include date

b. Quarterly inventories will be conducted by a SNCO/officer who is not directly involved in the lost and found process. Records of inventories will be recorded in the Lost and Found log book.

3. Storage. Lost and found property will be stored in a secure area, separate from evidence.

#### 4. Disposal

a. All found property will be retained for 120 days, after notification is sent, prior to disposal.

b. All reasonable efforts to return the property to the rightful owner will be made, such as notifications in the installation newspaper.

c. PMO will dispose of unclaimed property as follows:

(1) Provost marshals will establish a board of disinterested SNCOs/officers to determine the fair market value of unclaimed personal property.

(2) Property with a fair market value of \$300.00 or less may be disposed of locally.

(3) Property with a fair market value of greater than \$300.00 will be relinquished in accordance with procedures

jointly developed by the provost marshal and the Staff Judge Advocate. Installations should consider relinquishing property to recognized charitable organizations through Defense Reutilization Management Office (DRMO).

(4) Disposal of property will be conducted by the lost & found custodian and will be witnessed by a disinterested officer or SNCO.

d. Exceptions to Routine Disposal. All weapons will be destroyed per instructions contained in DoD Manual 4160.21M, DoD Property Disposal Manual; all monies will be relinquished to the installation disbursing office; all serviceable government property will be relinquished to the installation supply activity.

#### 4105. VEHICLE REGISTRATION/VISITOR CONTROL

##### 1. Vehicle Registration Policy

a. Motor vehicles which are owned by a person who is authorized to drive on Marine Corps installations will be registered in accordance with the current edition of MCO 5110.1.

b. Vehicle Registration Form (OPNAV 5560/1) is the authorized registration form. Locally produced forms may be used to supplement the OPNAV 5560/1, however they may not be used to replace the OPNAV 5560/1.

c. Once all the requirements have been met and the Vehicle Registration Form has been completed, an individual will be issued a DoD Registered Vehicle Decal (DD Form 2220) and installation and expiration tabs in accordance with the current edition of MCO 5110.1. Overseas installations will use forms equivalent to DD 2220 as specified by Status of Forces Agreements or local directives.

d. When an individual fails to meet minimum registration requirements, a temporary pass may be issued in accordance with the current edition of MCO 5110.1.

##### 2. Visitor Control Policy

a. When a visitor, who does not have a DD Form 2220, desires to come aboard an installation, he/she must request a visitor's pass.



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b. In order to obtain a visitor's pass the person must:

(1) Show a valid driver's license, vehicle registration form and proof of insurance (if required in that state) and;

(2) Provide the following information:

- (a) Name.
- (b) Home address.
- (c) Destination.
- (d) Make and model of vehicle.
- (e) License plate number.
- (f) Sponsor.
- (g) Time of arrival.
- (h) Estimated date/time of departure.

4106. VEHICLE IMPOUND/STORAGE. The provost marshal will establish procedures for the impoundment of privately owned vehicles per the current edition of MCO 5110.1. Due to the cost associated with the disposal of vehicles through DRMO channels, the use of a contracted wrecker service is the most cost effective and preferred method of disposition in CONUS.

1. An impound record system will be maintained that contains the date/time of impoundment, description of vehicle, VIN, license/base decal number and final disposition to include date and to whom it was released.

2. All vehicles impounded will be visually accounted for by a PMO representative at least monthly, regardless of whether vehicles are in the custody of a contract wrecker service or installation impound lot. This accountability will be documented in the impound record system.

4107. WEAPONS REGISTRATION. All firearms will be registered at the PMO in accordance with locally established procedures. Maximum use will be made of personal documentation (i.e., bill of sale, previous registration, etc.) in order to reduce the

requirement for the individual to physically produce the weapon upon registration.

4108. SUPPORT TO CIVILIAN LAW ENFORCEMENT AGENCIES

1. Consistent with the provisions set forth in the current edition of DoD Dir 3025.15, SECNAVINST 5820.7, and the limitations contained in the Posse Comitatus Act, at section 1385 of Title 18 United States Code, the provost marshal may direct the use of PMO assets to support civilian law enforcement agencies. Such support may not constitute direct involvement in civilian law enforcement activities. Absent a specific statutory provision, the military cannot be used to aid or assist civilian law enforcement in performing the functions of searches, seizures, and/or arrests. However, providing information, advice, training, facilities, and equipment to support civilian law enforcement entities are generally recognize as permissible activities that do not violate the Posse Comitatus Act. The provost marshal should consult his local staff judge advocate before providing support to civilian authorities. Even when support does not violate Posse Comitatus restrictions, the aforementioned references contained specific reporting requirements. Examples of support which are acceptable include, but are not limited to:

a. Using military police to assist civil authorities in the search for missing children.

b. The use of explosive detector dogs in the interest of safety or preservation of life.

c. Conducting joint crime awareness education programs (i.e., D.A.R.E. programs) at local schools, etc.

2. The provost marshal will ensure that all requests meet approval authority, are processed, reported and reimbursed when applicable in accordance with the current edition of SECNAVINST 5820.7.

3. Submit quarterly reports to CMC (POS), no later than the 15th day of the month following each quarter of the fiscal year. The reports will cover all requests for assistance from civilian law enforcement officials received during the reporting period. Reports shall include the information prescribed in paragraph 13 of SECNAVINST 5820.7 and any other appropriate information.

# MARINE CORPS LAW ENFORCEMENT MANUAL

## CHAPTER 4

### POLICE-COMMUNITY SERVICES

#### SECTION 2: INTERNAL PMO SUPPORT

4200. PMO INFORMATION SYSTEMS. The provost marshal will appoint an Information Systems Officer (ISO) to oversee the functioning of police records database management. The ISO will normally be an additional duty of an officer or SNCO assigned to the PMO.

4201. ALLOCATION OF PMO RESOURCES

1. The provost marshal will ensure that resources assigned to the PMO are used for the express purpose of meeting the three stated military police missions. Equipment assigned to the PMO will not be used for purposes other than for which it was intended.

2. The provost marshal is responsible for development of a PMO budget which will enable the organization to effectively and efficiently provide law enforcement and security support to the installation and its tenant commands. While the provost marshal does not have direct control over the procurement of such items as police vehicles, emergency equipment, etc., he/she must coordinate with the installation commander and designated officials (e.g., motor transportation officer, comptroller, communications-electronics officer, etc.) to ensure that PMO requirements are properly identified, prioritized, and funded. In those instances where it is appropriate, the provost marshal will identify to the comptroller those services provided to tenant commands (i.e., the issuance of vehicle decals) which should be considered as a PMO reimbursable expense.

4202. INTERNAL ADMINISTRATION. PMO administration will be centralized. The maintenance and security of police reports and records must be in compliance with the current edition of SECNAVINST 5212.5.

4203. SUPPLY/MAINTENANCE. The provost marshal supply/maintenance section will:

1. Coordinate with public works for the upkeep of PMO facilities.

2. Conduct self-service organizational purchases.
3. Coordinate with motor transport for PMO vehicle maintenance.
4. Maintain organizational equipment.

4204. PERSONNEL AUGMENTATION. The use of military police reserves/augmentees is encouraged as a means to increase personnel to perform security and law enforcement duties. The provost marshal will establish local written policy on the selection criteria and employment of MP reserves/augmentees. Prior to performing these duties, augmentees will:

1. Complete local PMO pre-service training which will include at a minimum the following:

- a. Use of force.
- b. Qualify with the weapon they will carry.
- c. Weapons clearing and safe handling procedures.
- d. Authority and jurisdiction.
- e. Search and seizure.
- f. Article 31 rights/Miranda warnings.
- g. Apprehension and restraint techniques.
- h. Certified with the side handle baton, night stick, or expandable baton.
- i. Evidence handling.
- j. High Risk incident.
- k. Coordinated Community Response (CCR)/Family Advocacy.
- l. Conduct traffic stop.
- m. Professional/community relations.
- n. Holding cell.

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2. Be recommended for assignment by his/her command.
3. Be screened and accepted by the provost marshal or his designated representative.
4. Be subjected to a local records check, to include SRB and health records.

### 4205. ARMS ROOM OPERATIONS

1. Ready For Issue (RFI) Arms Rooms will be operated in compliance with the current edition of OPNAVINST 5530.13. Only security weapons, ammunition and equipment will be stored in the PMO arms room. However, during weekend and holiday routines, personal weapons may be temporarily stored for safekeeping until the next workday. Privately owned weapons may be stored in ready for issue arms rooms on a temporary basis, when authorized by the provost marshal. The provost marshal will ensure compliance with the following criteria for storage, issue and recovery of security weapons and ammunition.

#### a. Storage

- (1) Only GSA approved storage safes will be used for ammunition.
- (2) Inventories will be conducted at each change of shift.
- (3) A weapons custodian and alternate weapons custodian will be assigned in writing by the provost marshal.

#### b. Issue

- (1) Every Marine assigned to law enforcement duties will be armed in accordance with MCO 5500.6.
- (2) All weapons and ammunition transactions will be documented on the Memorandum Receipt for Individual Weapons and Accessories (NAVMC 10576).
- (3) Upon issue, each MP will relinquish his/her Ordnance Custody Receipt Card (NAVMC 10520).
- (4) Weapons will be receipted for at the beginning of

each shift.

c. Recovery

(1) All issued weapon(s) and ammunition will be returned to the arms room upon the completion of the shift.

(2) The individual NAVMC 10520 will be returned upon recovery of the weapon and ammunition.

(3) Commanders/Provost Marshals may authorize continuing retention of weapons by investigative personnel. Such authorization will be in writing. When investigative personnel are on leave, TAD or on otherwise in a non duty status, weapons will be returned into the Provost Marshal's arms room.

2. Unescorted access to the arms room will only be granted to personnel authorized in writing by the Provost Marshal.

3. All arms rooms transactions will be conducted from behind a locked door.

4. Arms room keys will always be properly secured when not in the possession of an armed individual. OPNAVINST 5530.13 provides policy on lock and key control for arms storage areas.

4206. TRAINING. Formal schooling provides the foundation upon which unit level training must build. The provost marshal will develop a training program which maintains and enhances the Marine's competence level. Annual training plans and monthly training schedules specifically outlining the provost marshal's mission oriented training requirements will be published. Training plans will be tailored to meet the specific needs of the installation while complying with the requirements of the current edition of MCO 1510.86, CMC mandated training, and state/host nation laws.

1. Annual FMF and Garrison Military Police Conference. Annually, CMC (POS) will conduct a conference to update installation provost marshals and senior members of the military police community on current issues relating to base security and law enforcement.

2. Minimum Standards. Within 90 days of being assigned to law enforcement duties, personnel will receive appropriate

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orientation training as directed by the Provost Marshal. In addition to this orientation training, the annual training plan will include the following minimum requirements from MCO 1510.86:

a. Weapons training.

(1) Annual pistol qualification/requalification and firing of their assigned weapon quarterly.

(2) Shotgun familiarization fire.

(3) Military police will fire their weapons quarterly in various conditions (day, night, stress, etc.).

b. Use of force training/testing annually or as required by provost marshal instructions/SOP.

c. Cardiopulmonary resuscitation/first responder/community first aid (annually or as required by the certifying agency).

d. Side handle baton, nightstick, or expandable baton sustainment.

e. Radar operators will receive training and maintain certification in accordance with state requirements.

f. Breath testing equipment operators will receive training and maintain certification in accordance with state requirements.

g. Personnel carrying chemical spray devices will be trained and certified.

h. Physical restraint techniques (handcuffing, pressure point control techniques, etc.).

i. Legal aspects of law enforcement.

j. Instructors will be scheduled for recertification as required.

3. Training Methods. The provost marshal will tailor training programs to best meet the needs of PMO. Acceptable training methods include, but are not limited to, formal classroom, roll call, on-the-job (OJT), Field Training Officer, etc.

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4. Training Documentation

a. All of the training listed in this chapter will be documented in the individual Marine's training file immediately following its completion. Training files may be either hard copy or computerized. Training files will transfer with the individual Marine upon reassignment and will be maintained by the gaining unit. Training records will be maintained on any Marine that leaves active duty for any reason for a period of two (2) years.

b. All annual training plans, monthly training schedules, class rosters, critiques, tests, etc., will be maintained for two years.



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CHAPTER 5

INCIDENT/COMPLAINT REPORT (OPNAV 5527/1) PROCEDURES

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## CHAPTER 5

### INCIDENT/COMPLAINT REPORT (ICR) (OPNAV 5527/1) PROCEDURES

#### 5100. BACKGROUND

1. Law enforcement agencies nationwide have periodically reviewed uniformed crime reporting resulting in the Uniform Crime Reporting Act of 1988 and the development of the National Incident-Based Reporting System (NIBRS). The revised ICR represents the Navy and Marine Corps collection platform for NIBRS data. The Department of Justice receives statistical data based on NIBRS guidelines, compiles the data, and publishes a "National Crime Report." Law enforcement agencies with a legitimate interest use the National Crime Report for planning and policy purposes.

2. Military police use the ICR as a means of collecting information, compiling it in a systematic fashion, and articulating the facts and circumstances of criminal and significant incidents. The nature of our society requires military police to report facts with direct bearing on the incident in question excluding personal opinions, biases, and vague statements. This form helps eliminate the sometimes ambiguous nature of the who, what, where, why, when, and how approach to preliminary/initial investigations. This chapter is meant to provide a block by block "How to.." instruction to assist the first responder in collecting and articulating the appropriate information and to ensure consistent language required by NIBRS is used Marine Corps wide. Sections or information that do not apply or is unknown should be left blank on the form.

5101. COMPLETING THE FORM. The basic 4 page ICR is comprised of Eleven (11) Sections: Administrative, Complainant, Offense, Property, Victim, Witness/Sponsor, Suspect/Arrestee, Additional Police Officers, Narrative, Reporting and Approving Official, and Administrative Disposition. It also consists of a series of OPNAV 5527/1 forms considered addendum's:

1. OPNAV 5527/1N: Narrative
2. OPNAV 5527/1P: Property and Narcotics information
3. OPNAV 5527/1S: Suspects/Arrestees

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4. OPNAV 5527/1V: Victims
5. OPNAV 5527/1W: Witnesses/Complainants/Sponsors
6. OPNAV 5527/1A: Traffic Accident Report
7. OPNAV 5527/1D: Domestic Violence/Dispute Report

5102. ADMINISTRATIVE SECTION. This section records information applicable to the entire report (e.g., incident number, date of incident). An incident is defined as one or more offenses committed by the same offender (or group of offenders acting in concert) at the same time and place. Although multiple offenders, victims, witnesses sections can be submitted for each report, only one "Administrative Section" will be completed for each Incident Report.

1. Incident Number. This number must be 12 characters in length. This is the number assigned to each ICR to identify it uniquely. The Incident Number shall begin with the last two (2) digits of the year followed by the five (5) digit Reporting Unit Code (RUC) of the Installation Provost Marshal Office followed by the five (5) digit sequential number.

Example: 983006000013 ("98"=year, "30060"=RUC for MCCDC Quantico, PMO, "00013"=13th report of the year)

2. Report Type. Check the appropriate block to indicate the type of report being submitted. Authorized entries: (select one).

a. Initial. Select if this is the first report of an incident.

b. Supplemental. Select if report being submitted is to add and/or change information to a previously submitted report. The Incident Number should be the same as the Incident number of the Initial report.

3. Date Received. Enter the Year, Month, and Day (YYYYMMDD) the incident was first brought to the attention of the military police.

Example: 1994/07/04 The incident was reported to the military police on July 04, 1994.

4. Time Received. Enter the local military time the report was received.

Example: "1300" Format for time is HHMM.

5. Incident Received. Check the appropriate block designating how the incident was received by the military police. Authorized entries: (select one).

- a. In Person. Walk in to MP Desk, PMO, or CID.
- b. By Telephone. Received by telephone at desk, PMO, or CID.
- c. By Radio. MP pick-up while on patrol and reports to desk.
- d. By Alarm. Self explanatory.
- e. By Crime Stopper Program. Self explanatory.
- f. Other. Message, Letter, Computer E-Mail, Citizens Band, etc.

5103. COMPLAINANT SECTION. This section is used for the recording of information describing the complainant for an incident/offense only when the complainant is not the victim or witness. Only one Complainant Section is to be submitted for each incident. If there is no complainant leave section blank.

1. Last Name, First, Middle. Enter individuals full name. If no middle name enter "NMN" or if initial only, enter the initial in quotation marks, i.e., "L.". If they are a Junior, Senior, or 2nd, enter Jr., Sr., II, III, etc.

2. SSN/Alien Registration Number. Enter the individual's social security number. In the case of foreign nationals, local policy may direct that the employee's service number or host country identification number be entered.

3. Grade/Rank. For military personnel (including foreign military members) enter the individual's rank or grade (not MOS). For government civilian employees enter the individual's paygrade, i.e., GS-12, GM-13,

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WG-7, etc.

Example 1: The individual is a Sergeant in the Marine Corps "E-5" should be entered. If the individual is a Staff Sergeant in the U.S. Air Force or Petty Officer Second Class in the Navy, enter "E-5".

Example 2: If the individual is a Police Officer for Department of the Navy, "GS-5" should be entered.

4. Branch of Service. Enter the individual's branch of service. If the individual is a service member from a foreign country, enter the individual's branch of service as reflected on the passport or identification card, if available.

5. Status. Enter the individual's personnel status. If more than one entry applies select the one most applicable to the incident being reported. Authorized Entries: (select one).

- a. Regular (Active). Military service member.
- b. Reserve. Can be, but does not have to be in a drilling status.
- c. Retired. Retired military service member.
- d. National Guard. Can be, but does not have to be in drilling status.
- e. Family Member. Dependent or spouse of a military service member. Spouse, Son, Daughter, etc.
- f. Civilian Employee. Individual employed by the U.S. Government.
- g. Civilian. No government affiliation or foreign nationals.

6. Duty Station/Employer. Enter the name of the individual's duty station or employer. If the individual is TAD/TDY from his permanent duty station, enter the permanent duty station in this block. If the individual is not on active duty or a government employee, enter the individual's current employer. Enter the entire unit address and location if it is known.

7. RUC/Unit Identification Code (UIC). If the individual is active duty military or a government employee, enter his permanent duty station RUC/UIC.

8. Work Phone. Enter the individual's work phone number.

9. Address. Enter the home or barracks address, city, state, and zip code.

5104. OFFENSE SECTION. This section is used for the recording of information describing each offense committed in an incident and/or complaint.

1. Date(s) of Incident. Enter the Year, Month, Day (YYYYMMDD) when the incident occurred. If the "Incident Date" is unknown, enter an approximate date frame the incident occurred.

2. Time of Incident. Enter the time (24-hour clock) when the incident occurred. If the "Time of Incident" is unknown, enter an approximate time frame the incident occurred.

3. Offense Status. Used to indicate whether each offense in the incident was completed or merely attempted. If there were multiple occurrences of the same offense within an incident and at least one was completed, "Completed" will be selected.

4. Offense Data. If more than three offenses occurred use OPNAV 5527/1N to document them. Offenses will be listed by order of severity and jurisdiction, i.e. a felony violates a provision of the United States Code would be listed before a felony offense that violates an assimilated local municipal regulation or station order.

5. Statutory Basis. Enter the code that describes the legal statutory basis for the offense an individual is suspected of committing. In situations where more than one statutory basis may apply, select the statutory basis with highest jurisdiction over the offense. Authorized Entries: (enter only one).

a. Federal. Federal U.S. Code (titles).

b. State. State laws, codes, and/or statutes.

c. Local. Local laws, municipal regulations, codes, or violations etc.

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d. Foreign. Foreign laws. (This includes violations of Status of Forces Agreement, Customs Violations.)

e. UCMJ. Uniform Code of Military Justice.

6. Offense Description. Offense blocks are used to identify and describe the types of offenses involved in the incident (e.g., Arson, Prostitution, etc.). ALWAYS enter the MOST SEVERE OFFENSE FIRST. The Table of Offenses, Figure 5-1, lists appropriate NIBRS offenses. Elements of these offenses vary dependent upon statutory basis. Therefore, care should be used to identify not only all of the offenses involved in a particular incident, but also the elements in the narrative.

7. Location/Address. Enter the appropriate location of the incident. The location/address will be entered in the same format each time that location is used.

8. On Board Military Installation. If the incident occurred while on government owned/leased property, i.e., base, station, leased government building, military aircraft, or military ship, enter "YES", otherwise enter "NO".

Example (1): A burglary takes place in base housing located on government leased property, enter "YES".

Example (2): An individual is arrested by civilian authorities for reckless driving while operating a government-owned pick-up truck in downtown San Diego. Since this incident did not take place on a government installation, enter "NO".

9. Weather Conditions. The weather conditions at the time of the offense should be entered.

10. Lighting. Select the lighting conditions at the time the offense took place. Authorized entries: (select only one).

a. Daylight

b. Dusk. Time between daylight and dark (evening).

c. Dawn. Time between dark and daylight (morning).

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d. Dark (Lighted). Use of artificial light, street light, etc.

e. Dark (Not Lighted)

11. Offender(s) Used. Indicate whether any of the offenders in the incident were suspected of consuming alcohol or using illegal drugs or narcotics during or shortly before the incident; or whether any of the offenders were suspected of using a computer, computer terminal, or other computer equipment to perpetrate the crime. Up to three (3) entries can be made.

12. Type Weapon/Force Used. Check the box listing the type(s) of weapon(s) or force used by the offender(s) in committing the crime. Up to three (3) types of weapons/force can be entered for each of the offenses. For firearms specify "A" for a fully "automatic" firearm, "S" for semiautomatic, and "M" for manual. If the victim was physically beaten, select bodily force.

13. Location of Offense. Enter the offense number from the "Offense Data" box in the appropriate box indicating the type of location/premises where each offense took place. Only one (1) location can be entered for each offense. U.S. & Possessions/ Outside U.S. & Possessions - Select the location the offense took place in the world. Authorized entries: (select only one).

a. U.S. & Possessions. Continental United States, Alaska, Hawaii, Puerto Rico, Guam, U.S. Virgin Islands, etc.

b. Outside U.S. & Possessions. All areas not part of the United States or its possessions, i.e., Japan, Europe, South America, Southeast Asia, etc.

5105. TYPE OF CRIMINAL ACTIVITY. This section is to be used to provide additional information on the criminal activity of the offender(s).

1. Vehicle Description. Enter a description of the vehicle involved in the incident/offense.

2. Vehicle Status. Select the status as related to the incident. Authorized Entries (select only one).

a. Suspect. Vehicle was used by a suspect .

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- b. Stolen. Vehicle was stolen.
  - c. Recovered. Vehicle recovered after being reported stolen.
  - d. Target. Vehicle was the target of property damage.
3. Year. Enter the year (YYYY) the vehicle was manufactured.
4. Make. Enter the manufacturer of the vehicle, i.e., Chevrolet, Ford, Nissan, Toyota, etc.
5. Model. Enter the model of the vehicle, i.e., Maxima, S-10, F-250, Corvette, Camry, etc.
6. Style. Select the body style of the vehicle.
7. Color. Enter the color of the vehicle. If the vehicle is two tone enter top/bottom, or if multi-colored enter the predominant color, red, green, black, etc.
8. License Plate Number
9. State. Enter the two letter abbreviation of the state where the vehicle is registered.
10. Vehicle Identification Number (VIN). This number is normally located on the vehicle registration, title, or on the vehicle body, i.e., doorjam, drivers side dashboard.
11. Owner's Name. Enter the name of the owner.
12. Other Identifying Marks. Enter other identifying characteristics of the vehicle, i.e., missing rear bumper, dent left rear door, etc.
13. Burglary/Breaking & Entering (B&E) Only
- a. Check the appropriate block if force was used.
  - b. Number of Premises Entered. This block is to be used only if the crime is Burglary/B&E and the "Hotel Rule" is applicable. In such cases, the number of structures (premises) entered is to be reported. If the "Hotel Rule" does not apply, a

separate ICR is required for each premise entered.

Hotel Rule is applied to only temporary lodgings. It states:

"If a number of dwelling units under a single manager are burglarized and the offenses are most likely to be reported to the police by the manager rather than the individual tenants, the burglary should be scored as one offense."

The Hotel Rule has been expanded to include rental storage facilities. This data element is to be used if the offense is a Burglary/B&E and either BOO/BEQ/Lodge/Hotel or Rental Storage Facility is entered into Location of Offense. The total number (up to 99) of individual rooms, units, suites, storage compartments, etc., entered is to be reported in this section.

c. Method of Entry. Select the method of entry used to gain access to the premises. Up to three methods of entry may be selected.

d. Condition of Premise. Enter the occupancy status of the premises. Authorized entries: (select only one)

(1) Occupied. Premises rented, mortgaged, or assigned as barracks rooms, etc. and a person was physically present when the incident occurred.

(2) Unoccupied. Premises rented, mortgaged, or assigned barracks rooms, etc., but no one was physically present when the incident occurred.

(3) Vacant (Temp. Unoccupied). Premises for sale, vacant, hotel rooms unassigned, or unassigned barracks rooms.

(4) Vacant. Premises that do not qualify as one of the above.

e. Tools Used - Select the suspected tools used to gain access.

14. Bias Motivation. If an offense being reported is the result of expressed hate or bias due to the victim's race, sexual orientation, religion or ethnicity, the appropriate box

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indicating the type of bias or hate should be selected. The incident must have occurred as a result of hate or bias. All offenses considered to be a result of hate or bias will be reported to the Naval Criminal Investigative Service (NCIS).

Example: If a white male assaults a black male because of a dispute over a parking place, there is no hate or bias crime, even if the white male harbors a hatred for black people. If, however, the white male assaulted the black male solely because of his hatred or bias (not as a result of the parking space dispute) then a hate or bias crime has been committed.

5106. PROPERTY SECTION. The Property Section is used for the recording of information describing property that is lost, stolen, recovered, seized, etc. as a result of an incident. Use OPNAV 5527/1P for more than three items.

1. Property Description Code. Used to enter descriptions into specified categories.
2. Type Property Loss/Etc. This section is to be used to describe the type(s) of property loss, recovery, seizure, etc.
3. Quantity (QTY). Maximum 6 characters. If several items of property have the same description they may be listed on the same property line. The quantity of these similar items should be entered.
4. Description. Enter a brief description of item. Avoid descriptions that denote value, i.e., gold watch.

Example: Computer; Video Camera, Ring, Table, etc.

5. Make/Model. List the make/model of the item.

Example: IBM Select III, Canon AE-1, Seiko, Motorola, etc.

6. Size. Enter the approximate size of item.

Example: Ring - "10", Shoe - "12D", Clothing - "Small", etc.

7. Serial #

8. Color. Authorized entries:

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- a. BLU = Blue
- b. BRN = Brown
- c. GRN = Green
- d. BLK = Black
- e. WHT = White
- f. GRY = Gray
- g. YEL = Yellow
- h. RED = Red
- i. PUR = Purple
- j. SIL = Silver
- k. GOL = Gold
- l. TAN = Tan
- m. ORG = Orange

9. Value. Used to enter the total dollar value of the property which was stolen, counterfeited, destroyed/damaged/vandalized, recovered, seized, etc. Write down exactly what the victim/complainant states. DO NOT ESTIMATE FOR THEM! The value should be reported in whole dollars. Though several victims may have suffered losses the total value of loss will be reported by property description, i.e., Total = \$1,200.00 vice V-001 = \$400.00 and V-002 = \$800.00. \*If drugs or narcotics were seized, no value will be entered. Enter the estimated quantity of the drugs/narcotics instead of value.

10. Secured/Unsecured. Used to identify if property was secured or unsecured.

11. Owner. The owner's name will not be entered here. Enter the owner's status as related to the incident report, i.e., V-001, S-01, etc. The owners name would be entered in the "Victim Section" of the ICR.

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12. Disposition of Property. Used to describe the disposition of the property held at the time the ICR is completed.

Authorized entries: (select only one).

- a. Evidence
- b. Safekeeping. Property listed as lost and found.
- c. Return to Owner. Property listed as stolen or recovered and not required as evidence.
- d. Other. Disposition of property that does not fall under definitions listed above.

13. Date Recovered. If previously stolen property is recovered, the Year, Month, and Day (YYYYMMDD) of its recovery is to be entered into this block. Accordingly, this block is to be used only if "5" - Recovered is entered into Type Property Loss/Etc.). If there is more than one date of recovery for the same Property Description Code, enter the earliest date. If the recovery date is unknown, enter the date of the report.

14. Suspected Drug Involvement. Complete these blocks only if one of the offenses in an incident was a Drug/Narcotic Violation. DO NOT SELECT A SPECIFIC TYPE OF DRUG UNLESS IT IS KNOWN. The results of an approved field test may be recorded.

- a. Drug Type. Enter the code from the chart provided.
- b. Estimated Drug Quantity. Used to indicate the quantity of drugs or narcotics seized in a drug case. Enter the number of whole pounds, ounces, grams, etc., and three characters to enter the decimal amount. A decimal point must be entered to separate the whole and decimal amounts.
- c. Measurement. Enter the type of measurement used in quantifying drugs or narcotics seized in a drug case. Authorized entries: (enter up to 3).

- (1) GM = Gram
- (2) ML = Milliliter
- (3) W = Dosage Units/Items\*

- (4) KG = Kilogram
- (5) LT = Liter
- (6) NP = Number of Plants\*\*
- (7) OZ = Ounce
- (8) FO = Fluid Ounce
- (9) LB = Pound
- (10) GL =

\*Number of capsules, pills, tablets, unit doses, etc.

\*\*Marijuana plants (bushes), etc.

5107. VICTIM SECTION. Is to be used for the recording of information describing the victim(s) of an offense. A victim section should be completed for each victim associated with an offense. Use OPNAV 5527/1V for additional victims.

1. Victim Number (Sequence). Three characters: Each victim in an incident is to be assigned a sequence number from "001" to "999." A separate "Victim Section" is to be submitted for each numbered victim.

Example: If there were three (3) victims in the incident, three Victim Sections should be submitted -- one with Victim Number "001," another with "002," and the last with "003."

2. DD 2701 Issued. Choose Yes or No, if the Victim/ Witness Assistance Rights Pamphlet (DD Form 2701) is issued to victim.

3. Victim Related to Offense #. Fill in the appropriate boxes to indicate specific offense(s) associated with this victim. This number should correspond with "Offense" blocks in Section III of the same ICR. More than one box may be selected if victim is related to additional offenses. Up to 10 offense boxes may be selected per victim.

4. Victim Related to Suspect #. Fill in the appropriate boxes to indicate the victims association with which suspect(s) number.

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This should correspond with "Suspect #" in Section VII of the same ICR. More than one box may be selected if victim is related to additional suspect(s). Up to 10 suspect number boxes may be selected per victim.

5. Last Name, First, Middle. Refer to Complainant Section for the appropriate format.
6. SSN/Alien Registration Number. Refer to Complainant Section.
7. Grade/Rank. Refer to Complainant Section.
8. Branch of Service. Refer to Complainant Section.
9. Status. Refer to Complainant Section.
10. Duty Station/Employer. Refer to Complainant Section.
11. Address. Refer to Complainant Section.
12. UIC/RUC. Refer to Complainant Section.
13. Work Phone. Refer to Complainant Section.
14. DOB (Date of Birth). If the victim is a person, enter the individual's date of birth, YYYYMMDD.
15. POB (Place of Birth). If the victim is a person, enter the victim's place of birth, City & State or City & Country).
16. Sex. If the victim is a person, select the box that indicates the victim's sex.
17. Race. If the victim is a person, select the appropriate box. Authorized entries: (Select only one)
  - a. W = White
  - b. B = Black
  - c. I = American Indian/Alaskan Native
  - d. A = Asian/Pacific Islander
  - e. U = Unknown



18. Ethnicity. If the victim is a person, select the appropriate box.

19. Resident Status. If the victim is a person, select the appropriate box indicating the victim's residency status. A "Resident" is a person who maintains his/her home in the locality (i.e., town, city, or community) where the crime took place.

20. Type of Victim. Select the appropriate block to indicate the type of victim. Select only one entry per victim.

21. Aggravated Assault Circumstances. Select the appropriate box(es) that describes the circumstances of either an aggravated assault or a homicide. Complete this box only if an Aggravated Assault occurred. Specified definitions are in Part 2 of this guide.

22. Injury Type. Select the box(es) that describes the type(s) of bodily injury suffered by a person who was the victim of one or more of the following offenses:

- a. Kidnapping/Abduction
- b. Forcible Rape
- c. Forcible Sodomy
- d. Sexual Assault With An Object
- e. Forcible Fondling
- f. Robbery
- g. Aggravated Assault
- h. Simple Assault
- i. Extortion/Blackmail

23. Relationship(s) of Victim to Suspect(s). This section is used to report the relationship of the victim to the suspect who perpetrated a "Crime Against Person" or a Robbery against the victim. Therefore, this data element is to be used only if one or more of the following offenses occurred:

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- a. Murder and Non-negligent Manslaughter
- b. Negligent Homicide
- c. Justifiable Homicide
- d. Kidnapping/Abduction
- e. Forcible Rape
- f. Forcible Sodomy
- g. Sexual Assault With An Object
- h. Forcible Fondling
- i. Robbery
- j. Aggravated Assault
- k. Simple Assault
- l. Intimidation
- m. Incest
- n. Statutory Rape

Example (1): An employee assaulted his employer (a person) with his fists. Employer should be selected because the victim was the employer.

Example (2): Two unknown suspects rob a male and female couple. Stranger should be entered to indicate the relationship of each victim to each offender.

Example (3): The victim is assaulted by two suspects, Suspect #1 is the victim's brother and Suspect #2 was the victim's friend. In the box next to Sibling enter "01", and in the box next to Friend enter "02".

5108. WITNESS/SPONSOR SECTION. This section is used for the recording of information describing a witness(es) or sponsor(s) of a witness(es), victim(s), complainant(s), or known suspect(s)

of an incident/offense **only when the witness(es)/sponsor(s) is not the victim or complainant.** A witness/sponsor section should be completed for **each witness(es) or sponsor(s) associated with an offense.** OPNAV 5527/1W should be used if more than one witness or sponsor needs to be listed. If there is no witness(es) or sponsor(s) leave section blank.

1. Type/Sequence Number. Select either Witness or Sponsor to identify the individual as related to the incident. Each witness or sponsor in an incident is to be assigned a sequence number from "01" to "99." This number will be entered in the dashed box. A separate "Witness/Sponsor Section" is to be submitted for each numbered witness.
2. DD 2701 Issued. Refer to Victim Section.
3. Last Name, First, Middle. Refer to Complainant Section.
4. SSN/Alien Registration Number. Refer to Complainant Section.
5. Grade/Rank. Refer to Complainant Section.
6. Branch of Service. Refer to Complainant Section.
7. Status. Refer to Complainant Section.
8. Duty Station/Employer. Refer to Complainant Section.
9. UIC/RUC. Refer to Complainant Section.
10. Work Phone. Refer to Complainant Section.
11. Address, City, State, and Zip Code. Refer to Complainant Section.

5109. SUSPECT/ARRESTEE SECTION. This section is used for the recording of information describing suspects and arrestees of an incident/offense. When an arrest is made, Suspect and Arrestee information must be completed. As much of the information is the same for both suspect and Arrestee, these sections have been merged into one. Although United States Marine Corps Military Police do not have the authority to "arrest" as defined by the United States Code, they do have the authority to apprehend and detain individuals under certain circumstances. For the purpose

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of National Incident Based Reporting System (NIBRS) Reporting only, "Arrest" for the Marine Corps Military Police is defined as: "depriving a person of his liberty. Taking, under real or assumed authority or detaining him to answer a criminal charge of civil demand." This corresponds to the Military Justice concept of apprehension.

#### 1. Suspect/Arrestee Situations

a. Incident Report - No Arrest. If an incident/offense is reported but no arrest is completed: complete all information in the Suspect/Arrestee Section. If additional suspects are involved use OPNAV 5527/1S. If the suspect is unknown, a "suspect/Arrestee sequence number" must be entered in the Suspect/Arrestee #: block (e.g., 01) and the value for "unknown" checked or entered in the Sex, Race, and DOB blocks. If the exact number of suspects is unknown, "00" must be entered into the Suspect/Arrestee #: block. If there are multiple suspects that are unknown, you must fill out a suspect/arrestee addendum for each and mark unknown blocks accordingly.

b. On-View Arrest. If an arrest is made on view (the arresting MP witnessed the offense and apprehended the suspect) before an incident report is submitted, complete all information in the Suspect/Arrestee Section for all Arrestees.

c. Arrest after Report. If arrest is made after the incident report has been reported (submit a supplemental report, complete only those blocks not completed on the initial report. The same case number will be used for all supplemental reports) Complete all information in the Suspect/Arrestee Section not listed in the initial incident report (i.e., Arrestee Only section, name, grade/rank, etc.).

2. Suspect/Arrestee. Select the appropriate box(es) to identify the individual listed in this section as either a suspect or an Arrestee. If the individual is a suspect and is also arrested, both blocks should be checked.

a. Type/Sequence Number. Select either Suspect or Arrestee to identify the individual as related to the incident report. Each suspect/arrestee in the incident is to be assigned a sequence number from "01" to "99." A separate "Suspect/Arrestee Section" is to be submitted for each numbered offender. Use

OPNAV 5527/1W for additional suspect(s)/witness(es). If nothing is known about the suspect(s), enter "00" and leave the remaining information in this section blank.

Example (1): A corpse with five bullet holes in it was found in an abandoned warehouse. There were no witnesses to the crime or suspects. A single "Suspect/Arrestee Section" should be submitted with "00" entered into Suspect/Arrestee #: and the rest of the section left blank.

b. Suspect/Arrestee Related to Offense #. Fill in the appropriate boxes to indicate specific offense(s) associated with the suspect or arrestee. This number should correspond to the Offense box of Section III of the same ICR. More than one box may be selected if suspect is related to additional offenses. Up to 10 offense boxes may be selected per suspect/arrestee.

c. Involvement. Select the appropriate box to indicate the suspects/arrestees involvement in the commission of the offense  
Authorized entries: (select only one).

(1) Principal. Select if the suspect/arrestee acted alone in the commission of the offense.

(2) Conspirator. Select if the suspect/arrestee conspired with another to commit the offense.

(3) Accessory. Select if the suspect/arrestee is not considered the chief actor in the offense, nor was he present at its performance, but he is considered as contributing or aiding in the commission of the offense.

(4) Solicitor. Select if the suspect/arrestee commanded, authorized, urged, incited, requested, or advised another to commit the offense.

d. Enter the Home of Record (HOR) and Place origin into the Service in the Narrative section of all suspects if the information is available.

e. Hair Color. Enter the predominant natural hair color. The color observed should be checked against the color shown on the individual's identification card or drivers license. If the hair has been dyed, make an appropriate entry, such as "brown-dyed red". In the case of partial baldness, the color of the

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hair is entered and a remark is made in the Identifying Marks block on the extent of baldness.

f. Eye Color. Enter the color of the iris of the eye. It is incorrect to enter the condition, such as "bloodshot".

g. Height. Enter the suspect's/Arrestee's height in feet and inches (e.g., 6'2").

h. Weight. Enter the suspect's/Arrestee's weight in pounds (e.g., 180).

i. Alias (AKA). Enter known alias used by suspect/Arrestee.

j. Description. Check the appropriate blocks.

k. Identifying Marks. Enter any identifying marks, such as partial baldness, scars and tattoos together with their location on the body and a brief description. Give a word description rather than a diagram or picture.

Example (1): Partially bald, 2" diameter back of head.

Example (2): Tattoo, Heart, right bicep.

Example (3): Scar, 3" left inner wrist.

l. Type of Arrest. Indicate how the Arrestee was arrested. Allowed entries: (enter only one).

(1) On-View (taken into custody without a warrant or previous incident report). If an arrest is made on view (the arresting MP witnessed the offense and apprehended the suspect) before an incident report is submitted. Complete all information in the Suspect/Arrestee Section for all Arrestees. If arrest is made after the incident report has been reported (submit a supplemental report, complete only those blocks not completed on the initial report. The same case number will be used for all supplemental reports). Complete all information in the Suspect/Arrestee Section not listed in the initial incident report (i.e., Arrestee Only section, name, grade/rank, etc.).

(2) S = Summoned/Cited (not taken into custody).

(3) T = Taken Into Custody (based on warrant and/or

previously submitted incident report).

Example (1): The subject was arrested while in the act of soliciting for prostitution on a street corner. The entry should be On-View Arrest.

Example (2): The suspect was served with a traffic citation summoning him to appear in court. The entry should be Summoned/Cited.

Example (3): The subject was taken into custody as the result of a complaint being filed. The entry should be Taken Into Custody.

m. Date Arrested. YYYYMMDD

n. Multiple Clearance. Indicate whether or not the arrest of the Arrestee resulted in the clearance of more than one previously reported incident/offense within the jurisdiction served by the Provost Marshal's Office. If so, it is important to indicate that there was only one Arrestee responsible for the Multiple clearances of previously reported incident/offense. Clearance of a report indicates that no further investigation is required.

Example (a): After the suspect's arrest for robbery, it was learned that he was also responsible for five additional robberies within the jurisdiction of Marine Corps Base Camp Lejeune. One Arrestee section will be marked "C" = Count Arrestee. The other Five (5) robberies the suspect was responsible for are marked "M" = Multiple.

Example (b): If the suspect's arrest did not clear additional incidents or if no suspects were identified, the entry should be Not Applicable.

o. Arrestee Was Armed With. Indicate whether the Arrestee was armed with a commonly known weapon at the time of his/her arrest. Up to two (2) entries can be made.

p. Disposition of Juvenile. This block is to be used only if the arrestee was 17 years of age or younger at the time of the arrest. Authorized entries: (Select only one).

(1) Handled Within Department (e.g., released to

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parents, released with warning etc.)

(2) Referred to Other Authority (e.g., turned over to juvenile court, probation department, welfare agency, other police agency, criminal or adult court, etc.)

5110. MILITARY POLICE SECTION. This section is used for the recording of information describing the responding Military Police of an incident/offense. The primary reporting MP will be listed in Section X of the same ICR. If more than two additional personnel were present list them in Section IX, the Narrative.

1. Last Name, First, Middle. Refer to Complainant Section.
2. Grade/Rank. Refer to Complainant Section.
3. Duty Station/Employer. Refer to Complainant Section.
4. Badge #. Enter the individual military police officer's badge number, if assigned. If no badge number is assigned, enter the last four digits of the military police officer's SSN.

5111. NARRATIVE SECTION. This section is for the recording of additional information not listed elsewhere in the Incident Report. This section should list the chronology of events including the specified elements of the offenses reported in Section III of the same ICR.

1. Enclosure(s). This section is used to record documents not attached as addendums.
2. Enclosure #. Enter the enclosure number of attached supporting documents (i.e., 01).
3. Description. Enter a brief description of attached supporting documents, (i.e., statements, photographs, sketches, etc.).

Example: (01) Statement of Williamson (witness)

Example: (02) Rough Sketch of Crime Scene

5112. REPORTING/APPROVING OFFICIALS. This section is used to record information concerning the individual preparing and approving the Incident Report.



1. Reporting Official. Enter the name, rank, title, date, and signature of the individual who prepared the ICR.

2. Approving Official. Enter the name, rank, title, date, and signature of the supervisor who reviewed and approved the contents of the ICR. The Approving Official must be thoroughly familiar with the facts and circumstances of the incident/offense.

5113. ADMINISTRATIVE DISPOSITION. This section is used to record administrative information concerning the distribution and referral of Incident Reports to other departments or commands for further investigation, administrative processing (i.e., NJP, Article 15) or judicial proceedings (i.e., Courts-Martial, civilian judicial system). This section should only be completed by the PMO Admin/Records section.

1. Victim/Witness Notification - Enter the victims/witnesses who were provided DD Form 2701.

2. Incident Status. Select the block that best describes the status of the incident. Authorized entries: (Select one only).

a. Unfounded. The facts and circumstances reported do not indicate that an offense/incident occurred.

b. Cleared by Arrest/Apprehension. All suspects apprehended or charged by the court.

c. Cleared Exceptionally. If selected, the Cleared Exceptionally section must be completed.

3. Cleared Exceptionally. It is used to indicate whether or not the incident was cleared exceptionally. In a multiple-offense incident, the exceptional clearance of one offense, clears the entire incident. An incident cannot be cleared exceptionally if it was previously or at the same time cleared by an arrest, i.e., if an Arrestee Section was or is being submitted. In order to clear an offense by exceptional means, the following four conditions must be met: (1) the investigation must have clearly and definitely established the identity of at least one offender; (2) sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender; (3) the exact location of the offender must be known so that an arrest could be made; and (4) there must be a reason outside the control

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of law enforcement which prevents the arrest: Authorized entries: (enter only one).

- a. Death of Offender
- b. Prosecution Declined (by the prosecutor for other than lack of probable cause).
- c. Extradition Denied
- d. Victim Refused to Cooperate (in the prosecution).
- e. Juvenile/No Custody (the handling of a juvenile without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense).

Not Applicable (not cleared exceptionally).

Example (1): If an incident was not cleared by either an arrest or exceptional means by the time an initial Incident Report was submitted, then Not Applicable should be entered.

Example (2): If, after an Incident Report was submitted, an offender was arrested, the previously submitted report should be updated with an Arrestee Section completed on a supplemental report using the same incident number. The incident will be automatically cleared when the Arrestee Section is received at the FBI. This data element should still contain Cleared by Arrest.

Example (3): An Incident Report was submitted and the offender was later arrested, but the victim refused to testify and there were no other witnesses. The previously submitted Incident Report should be updated, by submitting a supplemental Incident Report, to change the contents of this data element from Not Applicable to Victim Refused to Cooperate.

Date Cleared - YYYYMMDD

4. Referred To/Assumed By. Select the appropriate block that describes the organization the Incident Report was referred to and/or assumed by. Authorized entries: (select all that apply)

- a. NCIS Case #. Naval Criminal Investigative Service.

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- b. INVESTIGATIONS Case #. Select if CID assumes.
  - c. LOCAL POLICE Case #. Local police (i.e., local, state, sheriff). Include Foreign local police organizations.
  - d. Other (Specify). Army CID, Air Force OSI, FBI, ATF, etc.
5. Distribution. Enter information concerning the distribution of the Incident Report (i.e., Commanding Officer, Legal Officer, etc.)

5114. OFFENSES

1. Figure 5-1 lists offenses to be captured by NIBRS and categorized for reporting crimes and offenses consistently nationwide. State statutes are very specific in defining elements of crimes so that persons facing prosecution know the exact charges levied against them. This list of offenses for NIBRS to be utilized with this OPNAV form are generic enough not to exclude varying state statutes relating to the same type of "crime," yet narrow enough to ensure consistent responses nationwide.
2. Accordingly, the common-law definitions found in Blacks Law Dictionaries, as well as those used in the Uniform Crime Reporting Handbook, the NCIC Uniform Offense Classifications, and this manual provide the definitions for these guidelines. Since most state statutes are based on the common-law definitions, even though they may vary as to specifics, most should fit into the corresponding NIBRS offense classifications.
3. If a state statute for an offense includes additional offenses not included in this list, the nonconforming offenses will be reported according to their state or local classification. For example, some states have "Larceny" statutes which are so broadly worded that they include the crime of "Embezzlement." If an embezzlement is perpetrated within such a state, it should be reported to NIBRS as Embezzlement, not Larceny.

## TABLE OF OFFENSES

Arson  
Assault  
Assault, Intimidation  
Assault, Simple Assault  
Assault, Aggravated Assault  
Assault, Simple Assault (Constructive)  
Breaking and Entering  
Bribery  
Counterfeiting  
Curfew  
Destruction  
Disorderly Conduct  
Driving Under the Influence  
Drug equipment/paraphernalia  
Drug/Narcotic Offenses  
Drunkenness  
Embezzlement  
Extortion/Blackmail  
Family Offenses, Nonviolent  
Forgery  
Fraud  
Fraud, Welfare Fraud  
Fraud, Wire Fraud  
Fraud, Bad Checks  
Fraud, False Pretenses  
Fraud, Confidence scams  
Fraud, Credit card/ATM Fraud  
Fraud, Impersonation  
Gambling  
Gambling Equipment Violations  
Gambling, Betting/Wagering  
Gambling, Operating/Promoting/Assisting  
Gambling, Sports Tampering  
Homicide  
Homicide, Murder (non-negligent Manslaughter)  
Homicide, Negligent Manslaughter  
Homicide, Justifiable  
Kidnapping/Abduction  
Liquor Law Violations  
Loitering  
Property Damage  
Prostitution  
Prostitution, Assisting or Promoting  
Receipt of Stolen Property

Figure 5-1

**TABLE OF OFFENSES (CONT:)**

Robbery  
Runaway  
Sex Offense, Sodomy  
Sex Offense, Incest  
Sex Offense, Rape  
Sex Offense, Pornography (Obscene Material)  
Sex Offense, Forcible  
Sex Offense, Forcible Fondling  
Sex Offense, Sexual Assault with an object  
Sex Offense, Nonforcible  
Sex Offense, Statutory Rape  
Sex Offense, Voyeurism (Peeping Tom)  
Theft  
Theft, Larceny  
Theft, Theft from a coin operated machine or device  
Theft, shop-lifting  
Theft, Burglary  
Theft, Theft from Motor Vehicle  
Theft, Pocket-picking  
Theft, Purse snatch  
Theft, Theft of Motor Vehicle Parts and Accessories  
Theft, Theft from a building (nonburglary)  
Theft, Motor Vehicle Theft  
Trespass of Real Property  
Vagrancy  
Vandalism  
Weapon Law Violations

Figure 5-1

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## APPENDIX A

### LEGAL CONSIDERATIONS

#### 1. GENERAL

a. The legal aspects of law enforcement are a result of statutes, regulations, and court decisions. Criminal law is in a constant state of change. Every year, military and civilian courts at all levels render decisions which affect police procedures and policies. Within the Department of the Navy, the Office of the Judge Advocate General (JAG) and the Marine Corps Judge Advocate Division (JA) are responsible for reviewing laws, regulations, and court decisions and establishing policies and procedures. Staff judge advocates (SJA) will provide specific guidance to military law enforcement personnel on legal matters

b. Within law enforcement, certain procedures have become generally accepted. These procedures involve self incrimination, search and seizure, and other related matters. This chapter will deal with standardization of these procedures. When any of the procedures contained in this appendix are in conflict with guidance from the SJA, then guidance from the latter office should be followed.

#### 2. SELF INCRIMINATION

a. The privilege against self-incrimination is a fundamental principle of American law. Both the Fifth Amendment to the Constitution and Article 31, UCMJ protect an individual against self-incrimination. The Supreme Court in *Miranda v. Arizona*, 384 U.S. 436 (1966), held that the suspect must be warned that he has the right to remain silent; that anything he says may be used against him in court; that he has a right to a lawyer during the interrogation and that he may obtain a lawyer, at his own expense, or if the suspect cannot afford a lawyer, a lawyer will be appointed at no expense to him. These warning requirements were made applicable to the military in the case of *United States v. Tempia*, 16 U.S.C.M.A. 629, 37 CMR 249 (1967). Indeed, military practice is broader than the *Miranda* requirements. Specifically, a person subject to the UCMJ who is required to give warnings under Article 31 may not interrogate or request any statement from a suspect or a person suspected of an offense without first advising an individual of rights against self-incrimination and rights to counsel. See item 2(d) below.

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In addition, service members accused of an offense under military law are entitled to appointment of a lawyer whether they can afford one or not. The service member also has the right to civilian counsel at no expense to the Government.

b. An Article 31 warning, or a Miranda warning, should be given to a subject only when there is a need to question the individual. If the individual is being taken into custody by a patrolman, and there is no need for the subject to be questioned at the time of apprehension, then no warning need be given. The appropriate warning can be given at a later time by an investigator, if the matter is investigated further. If, however, a subject in custody initiates a conversation with a patrolman concerning the offense, then the appropriate warning should be given by the patrolman. For example, an individual taken into custody for possession of marijuana might state "I can explain how I got that." Before any questioning of this individual, an appropriate warning must be given.

c. A patrolman may question an individual without a warning, up to the point that the patrolman determines that a crime may have been committed. For example, an individual found behind a warehouse late at night may be asked "Who are you? Do you work here? What are you doing here?" in the absence of any indication of a crime, since the individual could be an employee with a legitimate purpose. If, however, given the same situation, the patrolman observes evidence of forced entry to the warehouse, and the individual is leaving with merchandise, then the individual should be apprehended and not questioned about the matter without an appropriate warning.

d. An individual taken into custody may be asked the following questions without providing a warning: Name, social security number, duty station or address, and rank (if military). Any questions beyond these should be preceded by an appropriate warning. Biographical and identification data can normally be obtained from identification cards in the individual's possession.

e. Military Personnel. Under current policy, an Article 31 warning must be provided to military personnel who are suspected of an offense. The following individuals are considered subject to the UCMJ and must be provided with the Article 31 warning:

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- (1) Active duty military personnel.
- (2) Midshipmen and cadets of the service academies.
- (3) Reserve Officer Training Corps (ROTC) midshipmen and cadets only when they are on active duty for training.
- (4) Officer candidates.
- (5) Reserve personnel on inactive duty for training when their voluntarily accepted orders state that they are subject to the UCMJ.
- (6) Retired members of the Regular component who receive pay.
- (7) Retired members of the Reserve component while receiving hospitalization.
- (8) Members of the Fleet Reserve and Fleet Marine Corps Reserve.
- (9) Members of the Public Health Service serving with the military.
- (10) Persons in custody of the Armed Forces serving a sentence adjudged by a court-martial.

f. The warning may be given by anyone subject to the UCMJ, but should be given by law enforcement personnel who intends to question an individual suspected of an offense.

g. The point at which an individual is suspected of an offense is determined by the facts of the situation. In general, whenever there are sufficient facts to indicate that a crime has occurred, and that a particular individual may be culpable, then a warning must be given. Anyone apprehended for an offense must be warned before any attempt is made to question them.

h. Procedures. An Article 31 warning should be given orally to a subject in the following manner:

(1) Identity of Interviewer. The interviewer must state that he is a military policeman, investigator, etc.



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(2) Status of the Subject. The interviewer must advise the subject that he is a suspect of an offense, or that he has been apprehended for an offense.

(3) Nature of the Offense. The offense must be described to the subject in understandable terms, and as specifically as possible. Legal terms should be avoided. The following are examples:

(a) "Theft of a typewriter from Supply" (rather than "larceny of Government property").

(b) "Breaking windows at the NCO barracks" (rather than "malicious destruction of Government property").

(c) "Striking a blue Ford on South Street and fleeing the scene" (rather than "hit and run").

(4) Advisement. The specific advisement should be given as follows:

"You have the right to remain silent and make no statement at all; Any statement you do make can be used against you in a trial by court-martial or other judicial or administrative proceeding; You have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by you at no cost to the United States, a military lawyer appointed to act as your counsel at no cost to you, or both. You have the right to have a retained civilian lawyer and/or appointed lawyer present during this interview; and you have the right to terminate this interview at any time, for any reason."

(5) Waiver of Rights. Following the advisement, the subject should be asked the following.

"Do you understand your rights?" "Do you want a lawyer?" "Are you willing to make a statement?"

If the subject acknowledges his rights, states that he does not want to speak with a lawyer, and is willing to make a statement, then the interview may continue. If the subject does not understand his rights, requests a lawyer, or declines to make a statement, then the interview must be immediately terminated.

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(6) Written Waiver. OPNAV 5527/3 will be used to document the subject's waiver of the rights. This form also provides space at the bottom to begin a written statement. A written statement must always begin on the same page as the waiver of rights. No locally produced forms may be used in place of OPNAV 5527/3.

### i. Civilian Personnel

(1) Civilian personnel suspected of an offense should be provided with a Miranda warning if they are in custody or otherwise deprived of freedom of action in any significant way. The determination of when an individual is in custody has been the subject of several Supreme Court decisions, and a specific determination of this matter should be obtained from the local staff judge advocate.

(2) The warning must be given by law enforcement personnel.

(3) The point at which a civilian is suspected of an offense is the same as military personnel, paragraph 2b.

(4) Procedures. Miranda warnings should be given to a subject in the following manner:

(a) Identity of the Interviewer. Same as military, paragraph 2h(1).

(b) Status of the Subject. The interviewer must advise the subject that he is suspected of an offense, or that he has been detained for an offense.

(c) Nature of the Offense. Same as military, paragraph 2h(3).

(d) Advisement. The specific advisement should be given as follows:

"You have the right to remain silent and make no statement at all; Any statement that you do make can be used as evidence against you in a court of law or other judicial or administrative proceeding."

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"You have the right to consult with a lawyer prior to any questioning. This may be a lawyer retained by you at no cost to the United States, or, if you cannot afford a lawyer, one will be appointed to represent you at no cost to you."

"You have the right to have your retained or appointed lawyer present during this interview; and

"You may terminate this interview at any time, for any reason."

(e) Waiver of Rights. Same as military, paragraph 2h(5).

(f) Written Waiver. OPNAV 5527/4 will be used to document the subject's waiver of the rights. This form also provides space at the bottom to begin a written statement. A written statement must always begin on the same page as the waiver of rights. No locally produced forms may be used in place of OPNAV 5527/4.

### j. Special Situations

(1) Spontaneous Statements. These statements often occur when an individual volunteers information to law enforcement personnel about a crime without having been warned or questioned. Law enforcement personnel are not required to interrupt a volunteered statement in order to warn an individual; however, the individual may not be questioned further about a criminal matter without benefit of the appropriate military or civilian warning. This includes asking follow-up or clarification questions of the individual.

(2) Intoxicated Persons. Persons heavily under the influence of alcohol or drugs should not be questioned about a criminal matter. The voluntariness of any waiver of rights made by such a person will be questionable.

(3) Juveniles. A civilian warning must be given to a juvenile in terms which the juvenile can understand. The warning must also be given in the presence of a parent or guardian, if at all possible. Appendix C contains additional guidance concerning juveniles.

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(4) Foreign Nationals. The United States maintains military facilities in foreign countries. Citizens of that country, or another foreign country who commit an offense against the property of the United States, or against the person or property of members of the Armed Forces located at the activity are not subject to the laws of the United States. Therefore, if they are interrogated as criminal suspects, they should not be warned in accordance with the Fifth Amendment to the U.S. Constitution. They should be warned or advised in accordance with the procedures that control such advice in the country where the base is located. Such situations are extremely sensitive and specific guidance should always be obtained from the local staff judge advocate.

(5) Immigrant Aliens. Generally speaking, all people within the United States, whether citizens or not, are subject to the laws of this country. Therefore, with the exception of diplomatic personnel, these individuals should be afforded the same treatment as that given to civilian citizens of the United States. An immigrant alien is any person lawfully admitted into the United States under an immigration visa for permanent residence. Under certain conditions, immigrant aliens may be inducted or enlisted into the Armed Forces. When so inducted, they become subject to the UCMJ and should be provided with the military warning when interrogated as criminal suspects. When no military association exists, a civilian rights advisement must be made.

(6) Witness/Victim. A witness or victim of a crime will not be provided with a military/civilian warning of rights. If, during an interview, a witness or victim is reasonably suspected of an offense or making false statements, then appropriate warnings should be given at that time.

(7) Prior Admissions/Cleansing Warning. Occasionally a situation will occur in which a suspect has made incriminating statements to a command representative, or to other police personnel, without a proper warning beforehand. When it is suspected that an existing criminal admission was improperly obtained from a suspect, the suspect must be advised that the previous admission cannot be used against him in a trial by court martial, or a court of law. This advice, known as a "cleansing warning," must be provided to the suspect during a second, proper advisement, as earlier defined, following the statement of the nature of the offense:

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"I advise you that any prior illegal admissions or other improperly obtained evidence which incriminated you cannot be used against you in a trial by court-martial (for civilian: court of law)."

(8) Security Questions. Law enforcement personnel may ask questions of a suspect, without a warning, for the protection of their personal security. In another situation, law enforcement personnel apprehending a suspect fleeing from a burglary may ask "Is anyone else still in the building?" and "Do they have any weapons?" without first giving a warning. These questions are asked only for the protection of law enforcement personnel. Any follow up questions, such as "Where did they get the guns?" will require a proper warning.

### 3. LINEUPS

a. A lineup is a physical viewing of a subject by victims or witnesses in order to identify or eliminate the individual as a suspect in a crime. An identification is unreliable and, thus, inadmissible at court-martial, if the lineup or other identification process is so suggestive as to create a substantial likelihood of misidentification. Thus, the suspect must be viewed with other individuals of the same sex and race, and with similar physical characteristics and clothing.

b. A military suspect does not have the right to refuse to participate in a lineup; however, the suspect does have the right to consult with legal counsel and to have legal counsel present during a military lineup. Right to counsel at a nonmilitary lineup for a person subject to the UCMJ is to be governed by the Constitution and federal criminal procedure. OPNAV 5527/5 will be used to document the suspects Lineup-Acknowledgement and Waiver of Rights, which should be signed by the suspect who chooses not to consult with a lawyer or have one present at the lineup. This form is not used when the suspect requests presence of a lawyer.

### 4. SEARCH AND SEIZURE

a. General. Law enforcement personnel are often required to conduct searches of persons and places in connection with their official duties. The Fourth Amendment to the U.S. Constitution protects the rights of individuals in matters involving search and seizure. Evidence obtained in violation of the Fourth

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Amendment as it is applied to the military will be excluded as evidence at court-martial. Therefore, any intrusion by the Government into areas in which an individual has a reasonable expectation of privacy may be a search within the meaning of the Fourth Amendment. Specific questions concerning search and seizure should be referred to the local staff judge advocate.

b. Probable Cause. Probable cause to search exists when there is a reasonable belief that a person, property, or evidence connected to a crime is located in the place or on the person to be searched. For a search to be considered legal and the evidence seized as a result of that search to be used as evidence against an individual at court-martial, the search must be based on probable cause. Evidence obtained from searches requiring probable cause conducted in accordance with the Military Rules of Evidence is admissible at trial when relevant and not otherwise inadmissible.

(1) "An 'authorization to search' is an express permission, written or oral, issued by competent military authority to search a person or an area for specified property or evidence or for a specific person and to seize such property, evidence or person. In the military community, the commanding officer responsible for the person or area to be searched is considered "competent military authority" for purposes of issuing search authorizations."

(2) A 'search warrant' is an express permission to search and seize issued by competent civilian authority, and may be valid under certain circumstances aboard military installations, both in the United States, and in overseas locations under applicable status of forces agreements.

(3) "Exigent circumstances". Even though probable cause exists to obtain a search authorization, some circumstances may arise when there is not time to get a search authorization without substantial risk of loss of evidence, escape of individuals, or harm to innocent people. When such circumstances exist, the warrant or command authorization requirement may be excused; however, probable cause must still exist and the same considerations discussed at paragraph 4(b) still apply.

c. Searches not Requiring Probable Cause. There are certain limited times when probable cause to search need not exist and the evidence seized is still admissible at Courts-Martial.

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(1) Searches upon entry to United States installations, aircraft, and vessels abroad.

(2) Searches of Government Property. Depending on the nature and use of Government property, the Government may retain a right to examine the property when it desires to do so. Government property may not be searched if the person to whom the property is issued or assigned has a reasonable expectation of privacy therein at the time of the search.

(3) Consent Searches. As a general rule, searches may be conducted if any person or property of the person to be searched or the person with control of the place to be searched voluntarily consents to that search with lawful consent. Care should be exercised to ensure that the party who consents has cognizance over the area to be searched, and that the individual is not asked to identify property or an area to be searched, as such identification might be an unwarned admission, causing evidence discovered to be tainted and therefore inadmissible.

(4) Frisks Incident to a Lawful Stop. When a lawful stop is performed, the person stopped may be frisked for weapons when that person is reasonably believed to be armed and presently dangerous. Contraband or evidence located in the process of a lawful frisk may be seized.

(5) Searches Incident to a Lawful Apprehension. A search may be conducted for weapons or destructible evidence in the area within the immediate control of a person who has been apprehended. The area within the person's "immediate control" is the area which the individual searching could reasonably believe that the person apprehended could reach with a sudden movement to obtain such property.

(6) Searches within Jails, Confinement Facilities, or Similar Facilities. These are always subject to search as no expectation of privacy reasonably exists.

(7) Emergency Searches to Save Life or for Related Purposes. A search may be conducted of persons or property in a goodfaith effort to render immediate medical aid, to obtain information that will assist in the rendering of such aid, or to prevent immediate or ongoing personal injury.

(8) Searches of Open Fields or Woodlands. No

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expectation of privacy exists therefore searches are lawful.

d. Items Which May Be Seized. The legality of a seizure is a separate question from the legality of a search. In order for an item seized to be admissible evidence, the person seizing it (assuming that person is a Government official) must have a reasonable belief, at the time he seizes the item, that such item is connected with a crime (i.e., contraband, the fruit of a crime, a weapon, or an item which aids in proof of the crime). The following are the items which may be seized during a lawful search:

(1) Fruits of the Crime. These are items obtained during a crime. For example during the search of a premises in a burglary investigation, law enforcement personnel may seize any items as evidence which were reported stolen in the burglary.

(2) Fruits of a Second Crime. Law enforcement personnel may also seize items from another crime, even if the second crime was never reported, or its existence is otherwise unknown to them. During searches of suspects connected with the military it is not uncommon to discover items of Government property which have never been reported stolen. These items may be seized until a determination of their true ownership can be made.

(3) Instruments of a Crime. This category includes items used to commit the crime, such as burglary tools, a gun, a checkbook, etc.

(4) Contraband. This category includes any item whose mere possession is unlawful. Narcotics, marijuana, counterfeit money, or a sawed-off shotgun are examples of contraband items when they are in the possession of persons outside of their official duties.

(5) Weapons. Any item which is or can be used as a weapon may be seized for the protection of law enforcement personnel, even if the item is not connected with the offense for which the search was authorized.

(6) Evidence of a Crime. This category includes items which do not fit into any of the above categories, but are evidence of the crime for which the search was authorized. Examples of this category include blood stained clothing, soil samples from shoes, or unique items of clothing or jewelry which



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were previously described by a witness.

(7) The Plain View Doctrine. If the Government official is in a permissible location when an item of evidence is seen, and if that official reasonably believed that the item is connected with criminal activity, then the item can be seized.

### e. Procedures - Search Authorization

(1) Prior to requesting a command authorized search, a military policeman or investigator must have probable cause. If time permits, sworn statements should be obtained from witnesses providing information to establish the probable cause. The law enforcement official must then complete the Affidavit for Search Authorization, OPNAV 5527/10. This form must be signed under oath.

(2) The affidavit for search must then be presented to the commanding officer who has control over the place where the property or person to be searched is situated or found, or, if that place is not under military control, having control over persons subject to military law.

(3) It is the responsibility of law enforcement personnel to prepare the Command Authorization for Search and Seizure, OPNAV 5527/9, for the signature of the commanding officer. This form is then presented to the commanding officer with the request. If the authorization is granted, copies of it should be made prior to commencement of the actual search.

(4) In conducting the search, the individual(s) having proprietary interest over the premises should be present. A copy of the authorization should be handed to the individual, and he should be given sufficient time to read it. If the individual is also the suspect of the offense, then no questions should be asked without appropriate self-incrimination warnings. After serving the authorization, it is permissible to ask the individuals present to open locked doors, lockers, etc., providing they are cooperative and not a risk to the safety of law enforcement personnel. If individuals are not cooperative, or refuse to open locks, then the locks may be forced open by law enforcement personnel in such a manner as to cause the least damage to the property.

(5) Occasionally, a search authorization may be served

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on an unoccupied premise, vehicle, shipping container, etc. In such situations, a command representative should be present to witness the search. A copy of the authorization should be left with the representative to be delivered to the suspect. Another copy, plus a copy of a receipt for property seized, should be left at the premises. It is the responsibility of law enforcement personnel to secure the unoccupied premises after the search to prevent theft and vandalism.

(6) If the authorization for search is for a specific item, such as a stereo receiver by serial number, or clothing by description, then the search must be terminated as soon as the property is located. If the search authorization is for a nonspecific class of items, such as narcotics, or financial records, then the search may be continued throughout the premises since there is no way of determining how many of these items are present.

(7) Following the search, a receipt for the property seized must be completed and provided to the individual with proprietary interest in the property, along with a copy of the authorization. A signed receipt must then be returned to the commanding officer authorizing the search. The original of the search authorization should be retained since it will be necessary to introduce it in court if any of the seized evidence is entered.

### f. Procedures - Permissive Search

(1) A permissive search is conducted with the consent of the person searched. In order for evidence obtained through this type of search to be admissible in court, voluntariness of the consent must be demonstrated. The subject's knowledge of his right to refuse to consent to the search is one factor which will be considered in this determination.

(2) A Permissive Authorization for Search and Seizure, OPNAV 5527/16, should be completed and signed by the subject in every situation in which a permissive search is requested. If oral consent authorization is obtained due to exigent circumstances or emergency, it is advisable to have a witness or witnesses present who would be able to testify, if necessary, to the voluntariness of the search.

(3) Consent must be an act of free will, unfettered by

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governmental coercion, pressure or restraint. Although rights/Article 31 warnings are not a legal requirement for valid consent, if the individual was notified of a right to refuse consent it will more likely be found valid. It is therefore advisable that a subject be advised of his right to refuse consent prior to using consent as the basis for a search.

(a) Even when a valid authorization to search has been granted, or a warrant or other basis for the search exists, consent should be requested prior to use of the other basis as it can obviate the need to litigate the validity of such basis under most circumstances. If consent is refused, the other basis still remains as a valid option, and can then be used.

(b) The following oral advisement may be given:

"You have the constitutional right to refuse to permit this search. You need not consent if you do not desire to do so."

(4) A subject may withdraw consent at any time. If, during the course of a search, a subject states that he does not want the search to continue, then it must be terminated. Any evidence uncovered to that point may be used to substantiate probable cause, and the matter presented to the commanding officer for a search authorization if it is appropriate.

(5) At the completion of the search, a receipt must be given to the subject for any property seized. While there is no requirement to provide a copy of the permissive authorization to the subject, there is no objection to doing so if the subject requests it. The original must be kept available for use in court regardless if the evidence seized is entered.

### 5. MEDICAL RECORDS

a. Records of medical treatment obtained in Department of the Navy facilities are the property of the Government, and may be obtained by law enforcement personnel for official purposes.

b. Authority to Release Medical Information and Records, OPNAV 5527/14, must be completed to obtain civilian medical records.

### 6. FINANCIAL RECORDS. Records of banks, credit unions, and

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other financial institutions are protected by the Right to Financial Privacy Act of 1978. Occasionally it becomes necessary to examine an individual's bank records in connection with an official matter. The most common situation encountered by law enforcement personnel will be investigations of worthless checks where the suspect contends that there was sufficient funds in the bank to cover the checks. A Customer Consent and Authorization for Access to Financial Information form, OPNAV 5527/13, should be used to obtain access to the appropriate records. Additional guidance in this area should be obtained from the local staff judge advocate.

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APPENDIX B

COMPENDIUM OR REFERENCES PERTAINING TO  
LAW ENFORCEMENT/PHYSICAL SECURITY

**ARMY REGULATION (AR)**

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
195-5	Evidence Procedures	28 Aug 92

**COMMANDER, NAVAL CRIMINAL INVESTIGATIVE SERVICE (COMNCIS)**

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
	U. S. Navy Physical Security Measures for Executive Protection Manual (September 1990)	13 Nov 90

**DEPARTMENT OF DEFENSE DIRECTIVE (DoD Dir)**

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
1010.7	Drunk and Drugged Driving by DoD Personnel	10 Aug 83
2000.12	DoD Combatting Terrorism Program	15 Sep 96
2310.1	DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees (Short Title: DoD Enemy POW Detainee Program)	18 Aug 94
3025.1	Military Support to Civil Authorities (MSCA)	15 Jan 93
3025.15	Military Assistance to Civil Authorities	18 Feb 97
4640.1	Telephone Monitoring and Recording	15 Jan 80
5030.46	Assistance to the District of Columbia Government in Combatting Crime	26 Mar 71
5030.49	DoD Customs Inspection Program	06 Jan 84
5100.76	Physical Security Review Board	10 Feb 81
5160.54	DoD Key Asset Protection Program (KAPP)	26 Jun 89
5200.8	Security of DoD Installations and Resources	25 Apr 91
5200.26	Defense Investigative Program	12 Jun 79
5200.31	Single Manager for DoD Military Working Dog Program	07 Sep 83
5210.48	DoD Polygraph Program	24 Dec 84

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5210.56	Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties	25 Feb 92
5400.12	Obtaining Information from Financial Institutions	06 Feb 80
5525.4	Enforcement of State Traffic Laws on DoD Installations	02 Nov 81
5525.5	DoD Cooperation with Civilian Law Enforcement Officials	15 Jan 86
5525.7	Implementation of the Memorandum of Understanding Between the Department of Justice and the Department of Defense Relating to the Investigation and Prosecution of Certain Crimes	22 Jan 85
7730.47	Defense Incident-Based Reporting System (DIBRS)	15 Oct 96

## DEPARTMENT OF DEFENSE INSTRUCTION (DoD Inst)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
1338.18	Armed Forces Clothing Monetary Allowance Procedures	29 Jul 85
1402.5	Criminal History Background Checks on Individuals in Child Care Services	19 Jan 93
5030.34	Agreement Between the United States Secret Service and the Department of Defense Concerning Protection of the President and Other Officials	17 Sep 86
5240.4	Reporting of Counterintelligence and Criminal Violations	22 Sep 92
5505.2	Criminal Investigations of Fraud Offenses	16 Jul 90
5505.3	Initiation of Investigations by Military Criminal Investigative Organizations	11 Jul 86
5505.7	Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense	14 May 92
5505.8	Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations	28 Feb 94

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5525.10	Using Military Working Dog Teams (MWDTs) to Support Law Enforcement Agencies in Counterdrug Missions	17 Sep 90
7050.2	Uniform Criminal Investigative Report Format	12 Oct 83

## DEPARTMENT OF DEFENSE MANUAL (DoD Man)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
4160.21M	Defense Reutilization and Marketing Manual	Mar 90
4160.21M1	Defense Demilitarization Manual	21 Oct 91
5100.76M	Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives	16 Sep 92
5160.65M	Single Manager for Conventional Ammunition (Implementing Joint Conventional Ammunition Policies and Procedures)	Apr 89

## DEPARTMENT OF DEFENSE REGULATION (DoD Reg)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
5030.49R	Customs Inspection	27 May 77
5200.8R	Physical Security Program	13 May 91
5210.48R	Department of Defense Polygraph Program	Jan 85
5220.22R	Industrial Security Regulation	04 Dec 85

## FIELD MANUAL (FM)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
19-10	Military Police Law and Order Operations	30 Sep 87
19-15	Civil Disturbances	25 Nov 85
19-20	Law Enforcement Investigations	25 Nov 85
19-25	Military Police Traffic Operations	30 Sep 77
19-60	Confinement and Correctional Treatment of US Military Prisoners	27 May 86

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**FLEET MARINE FORCE MANUAL (FMFM)**

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
3-5	Employment of Military Police in Combat	11 Feb 92
7-14	Combatting Terrorism	05 Oct 90

MARINE CORPS ORDER (MCO)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
P1000.6F	Assignment, Classification, and Travel Systems Manual (Short Title: ACTS Manual)	22 Jun89
P1020.34	Marine Corps Uniform Regulations	27 Jan 95
P1200.7S	Military Occupational Specialties Manual (Short Title: MOS Manual)	15 Apr 97
1220.5	Enlisted Lateral Move Program	05 Apr 93
1510.86A	Individual Training Standards (ITS) System for the Military Police and Corrections Occupational Field (OccFld) 58	16 Feb 93
1620.2C	Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations	30 Jun 93
1630.3	Marine Corps Detention Space/Cells Standards, Policies, and Procedures	01 Jul 96
1630.4B	Law Enforcement and Physical Security Activities	03 Dec 97
1752.3B	Marine Corps Family Advocacy Program Standing Operating Procedures (Short Title: FAP SOP)	01 Jul 94
3302.1C	The Marine Corps Antiterrorism/Force Protection (AT/FP) Program	25 Aug 98
3440.7	Marine Corps Assistance to Civil Authorities	01 Jan 92
P3570.1A	Policies and Procedures for Firing Ammunition for Training, Target Practice, and Combat	15 Nov 83
P4066.17	Marine Corps Exchange Security and Loss Prevention Manual	26 May 82
4340.1A	Reporting of Missing, Lost, Stolen, or Recovered (MLSR) Government Property	08 Aug 94
4400.120	Joint Regulations Governing the Use and Application of Uniform Source Maintenance and Recoverability Codes	22 Jun 71



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4450.11	Safeguarding of DLA Sensitive Inventory Items, Controlled Substances, and Pilferable Items of Supply	04 Nov 85
P4600.14B	Defense Traffic Management Regulation	31 Jul 86
4900.3	Marine Corps Security Assistance	16 Jul 93
5100.19D	Marine Corps Traffic Safety Program (DRIVESAFE)	02 Jul 96
5110.1C	Motor Vehicle Traffic Supervision	08 Jul 88
5330.3D	Civilian Employment of Marine Corps Personnel	20 Jun 89
5500.6F	Arming of Security and Law Enforcement (LE) Personnel and the Use of Force	20 Jul 95
5500.13A	Physical Security	28 Jun 91
5500.14A	Flight Line Security (FLS) Program	28 Mar 96
5500.18	Crime Prevention	21 Jan 93
5510.15A	Security of Marine Corps Installations and Resources	27 May 93
P5510.18	Headquarters, U.S. Marine Corps Standing Operating Procedures for the Information and Personnel Security Program (Short Title: HQMC INSECMAN)	28 Nov 90
5740.4A	Relationship with Surveys and Investigations Staff, House Appropriations Committee	26 Sep 80
5800.6A	Control and Registration of War Trophies and War Trophy Firearms	28 Aug 69
5800.10A	Return of Marine Corps Absentees and Deserters	20 Sep 94
7510.5A	Marine Corps Fraud, Waste, and Abuse (FWA) Oversight, Awareness, Prevention, and Remedies	22 Aug 89
P8011.4H	Marine Corps Table of Allowances for Class V(W) Material (Peacetime)	28 Mar 91
8300.1C	Marine Corps Serialized Control of Small Arms System	27 Mar 84
10570.1A	DoD Military Working Dog (MWD) Program	01 Dec 90
11240.20A	Provost Marshal Activities, Registration of Motor Vehicles Overseas	22 Mar 55
11240.66B	Standard Licensing Procedures for Operators of Military Motor Vehicles	14 Aug 89

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## OPERATION NAVAL INSTRUCTION (OPNAVINST)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
1620.2A	Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations	30 Jun 93
3300.53	Navy Combatting Terrorism Program	01 May 92
3460.7A	Control and Registration of War Trophies and War Trophy Firearms	28 Aug 69
5450.229	Missions and Functions of Naval Investigative Service Command (NISCOM) Area Commands	17 Jan 92
5510.1H	Department of the Navy Information and Personnel Security Program Regulation	29 Apr 88
5530.13B	Department of the Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives (AA&E)	05 Jul 94
5530.14B	Department of the Navy Physical Security and Loss Prevention	21 Dec 88
5560.10B	Standard Procedures for Registration and Marking of Non-Government Owned Motor Vehicles	05 Sep 81
5585.2A	Department of the Navy Military Working Dog (MWD) Program	25 Aug 97
5840.3A	Customs Inspection	20 Apr 78

## SECRETARY OF THE NAVY INSTRUCTION (SECNAVINST)

<u>REFERENCE</u>	<u>TITLE</u>	<u>DATE</u>
3020.4E	Employment of Department of Defense Resources in Support of the United States Secret Service	06 Nov 86
3300.2	Combatting Terrorism Program	09 Jan 92
3461.3	Program for Prisoners of War and Other Detainees	30 Apr 73
4862.10A	Department of Defense Key Asset Protection Program	05 Nov 90
5211.5D	Department of the Navy Privacy Act (PA) Program	17 Jul 92
5212.5C	Disposal of Navy and Marine Corps Records	11 Jul 85
5300.29	Alcohol Abuse and Drunk Driving	11 Apr 85

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5430.92A	Assignment of Responsibilities to Counteract Fraud, Waste, and Related Improperities within the Department of the Navy	20 Aug 87
5500.4G	Reporting of Missing, Lost, Stolen, or Recovered (MLSR) Government Property	24 Jun 93
5500.29B	Use of Deadly Force and the Carrying of Firearms by Personnel of the Department of the Navy in Conjunction with Law Enforcement, Security Duties and Personal Protection	28 Sep 92
5500.33	Obtaining Information from Financial Institutions	23 Jun 80
5511.36A	Authority of Military Commanders Under the Internal Security Act of 1950 to Issue Security Orders and Regulations for the Protection or Security of Property or Places Under their Command	21 Jul 92
5520.2A	Interception of Wire and Oral Communications for Law Enforcement Purposes	01 Sep 78
5520.3B	Criminal and Security Investigations and Related Activities within the Department of the Navy	04 Jan 93
5520.4B	Department of the Navy Polygraph Program	02 Aug 89
5720.42E	Department of the Navy Freedom of Information Act (FOIA) Program	05 Jun 91
5820.7B	Cooperation with Civilian Law Enforcement Officials	28 Mar 88
6401.1	Veterinary Health Services	01 Sep 85

### MISCELLANEOUS

<u>TITLE</u>	<u>DATE</u>
Applicable Status of Force Agreement (SOFA) or Status Agreement	
Assimilative Crimes Act	
Black's Law Dictionary	
Brady Handgun Violence Prevention Act, Public Law 103-159, Section 921 of Title 18 U.S.C.	
Fifth Amendment to the Constitution	
Manual for Courts-Martial	
Marine Corps Manual	21 Mar 80

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MCBul P8011, Class V(W) Material Allowances for  
Training and Security  
Memorandum of Understanding (MOU) Between  
Commandant of the Marine Corps (CMC) and  
the Director, Naval Criminal Investigative  
Service (NCIS)  
NCIC Uniform Offense Classifications  
Posse Comitatus Act  
Public Law 93-415, The Federal Juvenile Justice  
and Delinquency Prevention Act  
Reports and Forms Preparation Guide for the Navy  
Security Force of Apr 91  
Title 18, U.S.C.  
Uniform Code of Military Justice  
Uniform Crime Reporting Act of 1981  
Uniform Crime Reporting Handbook  
U.S. Navy Regulations

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## APPENDIX

### JUVENILE MATTERS

#### 1. DEFINITIONS

a. Juvenile. The age limits for classifying persons as juveniles vary according to the laws of the particular State, e.g. EMANCIPATED BY MARRIAGE, FRANCHISED JUVENILE/ADULT. Federal Law (Title 18), defines juveniles as "any person who has not attained his 18th birthday."

b. Juvenile Delinquency. The violation of a law of the United States committed by a person prior to their 18th birthday which would have been a crime if committed by an adult

#### 2. JURISDICTION

a. General. Chapter 1, Section 2 sets forth the jurisdiction of the installation commander and law enforcement personnel on military installations. This jurisdiction is not affected by the age of an offender. The procedures involved in the handling of juvenile offenders; however, are different from adult offenders. These procedures are found in 18 U.S.C. 5031, et seq., and in the various applicable State laws

b. Public Law 93-415. The Federal Juvenile Justice and Delinquency Prevention Act, Public Law 93-415 (18 U.S. Code, 5031-5042) applies whenever a juvenile is taken into custody for an offense. This law does not define any offenses, but rather establishes procedures for the treatment of juveniles, removing them from the normal criminal process.

c. Military Jurisdiction. Active duty military personnel under the age of 18 are subject to the UCMJ. The provisions of 18 U.S.C. 5031, et seq., do not apply to active duty personnel.

#### 3. PROCEDURES

a. Whenever a juvenile is taken into custody for an act of juvenile delinquency, and the juvenile is going to be questioned regarding the act, the juvenile must be provided with appropriate constitutional warning against self-incrimination and the right to legal counsel. This warning must be provided in language which the juvenile understands.

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b. The parent(s), guardian, or custodian must be notified that the juvenile is in custody, the exact nature of the alleged offense, and the juvenile's rights against self-incrimination. This notification must be made immediately after the juvenile is taken into custody and the identification of the responsible adult is obtained. The time of custody, the time of notification and the identity and relationship of the person notified must be reported in the incident/complaint report. This notification is the responsibility of the arresting agency and must be made even if the matter is referred to NCIS.

c. Fingerprints or photographs of juvenile suspects cannot be taken without permission from the legal guardian or the written order of a Federal judge or magistrate, or the judge of a State juvenile court. This does not apply if the juvenile is prosecuted as an adult.

d. Title 18 U.S.C. 5031 et seq., requires that a juvenile in custody be "taken before a magistrate forthwith," and shall not be detained for longer than a reasonable period of time before being brought before a magistrate.

e. As a practical matter, juveniles detained by law enforcement personnel for minor offenses are normally released to the custody of their parents. In many instances, a minor offense can be disposed of without formal action.

f. Serious offenses, or offenses involving repeat offenders, may require administrative or judicial action.

(1) Offenses under the jurisdiction of NCIS should be referred to NCIS at the earliest possible time. Juveniles detained on offenses under NCIS jurisdiction should be turned over to NCIS, providing that there is no unreasonable delay which would violate the provisions of 18 U.S.C. 5031, et seq.

(2) Incidents involving juvenile dependents may be referred to the installation commander for administrative action

(3) Within areas under United States jurisdiction, juvenile offenders may be referred to local police juvenile authorities. Provost marshals should establish liaison with local police to develop working agreements for the referral of juveniles.

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g. Juvenile Witnesses. There are no special requirements set forth in Federal law concerning the interview of a juvenile as a witness by law enforcement personnel. During the "on scene" phase of any incident, juveniles may be interviewed in the same manner as any other witness.

### 4. RECORDS

a. The age of an offender has no effect on the need for law enforcement personnel to keep detailed and accurate records of any incident of complaint. OPNAV 5527/1, Incident/Complaint Report will be prepared on each situation which fits the criteria for that form. Any other forms will be used as necessary. As with other reports, one copy of the complete report will be provided to NCIS. No special handling is required for a report on a juvenile provided to NCIS.

b. A separate file for the retention of records concerning juvenile offenders will be established. Access to this file should be restricted to individuals having a specific need to know. Juvenile records may be released to the following:

(1) The judge of a juvenile court (INSTALLATION INSPECTOR) having jurisdiction over the offender.

(2) An attorney representing the juvenile and the parents.

(3) A Government attorney involved in the adjudication of the matter.

(4) Another court of law, in response to a specific inquiry.

(5) An agency preparing a presentence report for another court.

(6) Another law enforcement agency, if the request is related to an investigation of a crime or a position within that agency.

(7) The director of a juvenile treatment facility or agency to which the juvenile has been committed by the court, providing that the request is made in writing.

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(8) An agency which is considering the juvenile for a position immediately and directly affecting national security.

c. Neither the name nor a photograph of any juvenile may be made public by any medium of public information in connection with any juvenile delinquency proceeding.

d. The use of juvenile records is subject to the provisions of 18 U.S.C. 5038 (1982), which provides that the records of juvenile delinquency proceedings shall be safeguarded from disclosure to unauthorized persons. Juvenile courts in the various States may impose additional requirements on the provost marshal's office concerning records. These requirements may include the sealing of records. Any such requests should be coordinated with the appropriate staff judge advocate (SJA).

e. Juvenile records which do not become part of a court record may be subject to other disclosure limitations; e.g., the Privacy Act, Title 5 U.S.C. 552a.

5. JUVENILE OFFENSES. The great majority of contacts between law enforcement personnel and juvenile offenders involve a limited number of offenses. The following are the more common offenses involving juveniles:

a. Traffic Violations. Speeding, drag racing, and reckless driving are common violations by juveniles. Alcohol related violations such as driving under the influence (DUI), driving while intoxicated (DWI), and possession of an open container of liquor are also common. Drivers licenses of juveniles should be carefully checked for signs of alteration of age since these are often used by underage juveniles to illegally purchase alcoholic beverages.

b. Disturbing-the-Peace/Disorderly Conduct. Occasional boisterous activity and fighting can occur among groups of juveniles. This activity may involve drug abuse and/or the illegal possession of alcoholic beverages.

c. Vandalism. Vandalism of public and private property is most often perpetrated by juvenile offenders. Schools, Government buildings, and other buildings that represent authority are common targets.

d. Larceny and Burglary. Housebreaking and petty thefts are



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frequent juvenile offenses. Such acts will normally involve the theft of small value items or small amounts of money. Marine Corps exchange facilities are frequent targets for juvenile shoplifters.

e. Curfew Violations. Violations of established curfew hours are common juvenile offense.

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## APPENDIX D

### EVIDENCE PROCEDURES

1. GENERAL. This section describes procedures that will be used to conduct the operation of the evidence custodial system.

2. EVIDENCE STORAGE FACILITIES

a. All property received as evidence will be physically safeguarded and stored in a separate and distinct "evidence room." The evidence room should be of sufficient size to allow for the handling, storage, and processing of volumes of evidence consistent with the size of the law enforcement operation. A closet may be adequate or a larger room may be necessary. When a room has been designated as an evidence room, other equipment and property, personal or official, shall not be stored therein under any circumstances.

b. Any room used for the storage of evidence shall comply with the structural standards set forth within this section. Waivers to these standards may be requested by submitting a written request, to include detailed justification, to CMC (POS-10).

c. When a closet or room is used for evidence storage, access door(s) may be of either wood or metal construction. When wooden doors are used, they will be of solid core construction and at least 1-3/4 inches thick. The use of hollow core wooden doors is discouraged; however, they may be used if they are reinforced with nonremovable sheets of 18 gauge metal on both sides of the door. Access door(s) shall be equipped with a single cylinder deadbolt lock which has a minimum bolt throw of 1 inch. Additionally, door(s) shall be equipped with a case hardened hasp and staple in order to allow for double locking after normal working hours. The prescribed locking device is a low-security padlock, series 200 or 5200, (Military Specification MIL-P-17802D; NSN 5340-00-158-3805 or NSN 5340-00-158-3807). Care must be taken to ensure that the hasp and staple are mounted in such a manner that the heads of anchoring screws are not exposed. It is recommended that a reinforced strike plate be installed in the frame of the access door(s); however, standard strikes may be used providing they are affixed to the door frame using mounting screws that are at least 2 inches long. Hinges on the access door(s) shall be placed so that they are on the inside

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of the evidence room. If this is not feasible, the hinges shall be of such type, or so modified, that the hinge pins cannot be removed without destroying the hinges or the door. Should the evidence room have windows or openings larger than 96 square inches, they will be covered with expanded steel gratings of 9 gauge thickness and securely attached to the inside portion of the building with anchoring devices which are not removable without permanent destruction. Equivalent materials may be used in lieu of steel gratings. The perimeter walls of evidence rooms shall extend from the true floor to the true ceiling. Nonmasonry walls will be reinforced in such a manner that they offer the same level of protection as that afforded by the access door(s). The same principle applies likewise to floors and ceilings.

d. The evidence room will be equipped with shelves, cabinets, storage bins, lockers, or suitable means for storing a volume of evidence in an accessible manner. One or more metal locking containers shall be used to store sensitive and high value evidence. This type of evidence will be individually categorized for storage purposes and kept in separate locations within the container. At a minimum, the following items of evidence will be categorized and stored separately: firearms, illegal drugs and high value evidence such as jewelry and currency. A GSA-approved security cabinet with three tumbler (three number) manipulation resistant lock with at least 100 graduations on the dial is required for weapons storage. Metal containers used for storage of sensitive and high value evidence which do not have combination locks will be equipped with hasps and locks as specified for access door(s). If the container used for storage of sensitive and high value evidence is of such weight that it can be reasonably considered removable (less than 500 pounds empty), it shall be secured to the structure in such a manner that the container or that part of the structure to which it is attached must be destroyed to remove it from the evidence room.

e. Keys for the access door(s) and those of individual evidence containers shall be safeguarded at all times. The operating set of keys should be retained by the evidence room custodian or in his absence, the alternate custodian. Duplicate keys shall be maintained in a metal container secured with a numbered seal. The container shall be kept in a secure area other than the evidence room and checked daily to ensure that the seal is not broken or otherwise tampered with. A record of the seal serial number will be maintained. Keys shall be inventoried at least semiannually. Combinations to evidence containers shall

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be placed in a sealed envelope and stored with duplicate keys for the evidence room in the manner set forth above. The security of duplicate keys and combinations is the responsibility of the officer-in-charge/chief investigator (if no officer is assigned) of the investigations section. Combinations will be changed and locks rotated whenever the evidence custodian or alternate evidence custodian is changed or a breach of security is suspected. Failure to do so will cause the integrity of the chain of custody to become suspect.

f. Unaccompanied access to the evidence room will be strictly limited to the evidence custodian and in his absence, the alternate evidence custodian. An access list will be published in writing, signed by the provost marshal and shall be retained on file within the investigations office. Personnel on the access list should be kept to a minimum such as the provost marshal, officer-in-charge, and noncommissioned officer-in-charge. Personnel who require admission on a limited basis in the execution of a specifically assigned duty, such as quarterly inventory officers and aids, inspectors, auditors, etc., shall be granted admission when escorted by the evidence custodian or alternate evidence custodian. The evidence custodian or alternate evidence custodian will maintain a record of all visitors to the evidence room which reflects: date, name, rank/grade, organization, purpose of visit, times of admission/departure, and signature of both the visitor and the escorting party. At no time will the evidence custodian or his alternate allow anyone to be left unattended or unobserved in the evidence room.

g. After-hours receipt of evidence is possible without involving the evidence custodian or alternate custodian. Small clothing/gym lockers or lockers such as those found in airports and bus terminals may be used as temporary evidence receptacles. Temporary evidence lockers shall be configured so that an individual may deposit evidence into a lockable container but recovery can only be affected by the evidence custodian or alternate custodian. The custodian will subsequently remove the evidence from the secure locker and log it into the evidence room. Only the evidence custodian and alternate shall have access to the combinations or keys to the locks of temporary evidence storage containers. The requirements for key control, lock rotation, and combination changes previously addressed herein also apply to temporary evidence storage containers.

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h. The evidence, properly packaged and with complete Evidence/Property Custody Receipt and the Department of the Navy Evidence Tag attached, is placed in the locker and secured. The key shall then be inserted through a slit in the locker door. The evidence custodian will subsequently remove the evidence and key from the locker and log the evidence into the evidence room. The key will be returned to the desk sergeant at the end of the workday. Only the evidence custodian or alternate will maintain keys to temporary evidence lockers.

### 3. EVIDENCE DOCUMENTS

a. The Evidence/Property Custody Receipt, OPNAV Form 5527/22 is designed to establish the necessary control and maintenance of the chain-of-custody of evidence while under the control of the provost marshal's office. It is not intended that the chain-of-custody of any command or other agency be reconstructed by utilizing this document on an after-the-fact basis. Such investigative activity shall be accomplished by obtaining appropriate statements and/or copies of other command or agency evidence documents. This does not preclude having personnel delivering evidence from marking the evidence itself or its container as appropriate.

b. If the space provided for listing items of evidence seized is insufficient, the additional item(s) may be listed on a second evidence custody document and the two secured together. The first six blocks shall be completed on the second document, in the same manner as on the first, and on the right side of the CCN, Block 1, add "page 2." The same practice may be followed if the chain-of-custody section of the first document is insufficient for the number of transfers of custody.

c. The Department of the Navy Evidence Tag, OPNAV Form 5527/17 A or B, shall be utilized to identify each item of evidence obtained by investigators and entered into the provost marshal's office evidence custody system. The entries on the evidence tag will correspond with the applicable entries on the Evidence/Property Custody Receipt.

d. It is recommended that appropriate collection data on all seized or collected items of evidence be entered on the evidence tag at the point and time of seizure or collection. There is sufficient space on the face of the tag to enter a description of the material as well as date, time of seizure and specific

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location where the item or material was obtained. Examples are: Parker ball point pen - seized from left shirt pocket; \$10.00 note - from right front pants pocket; K-Bar knife - from tool pouch in subject's auto trunk, etc. Utilization of the evidence tag in the above described manner will provide original collection notes which can be utilized as a basis for completing the Evidence/Property Custody Receipt at a more convenient time and place, and will add to the integrity and authenticity of the evidence.

e. The Evidence/Property Custody Receipt and the Evidence Tag are stocked in the Navy Supply Systems and should be procured through normal Marine Corps supply channels as necessary.

### 4. EVIDENCE RECORDS

a. Each evidence storage facility will maintain a bound Evidence Log, OPNAV Form 5527/24, an Active Evidence Custody Record, and a Final Evidence Disposition File. The Evidence Log shall be maintained for a period of five years from the date of the last entry therein. It is presumed that the bound volume will serve for a number of years prior to starting a new volume. The Active Evidence Custody Record shall be maintained as long as there is evidence in custody which has not been finally disposed of. The Final Evidence Disposition File shall be maintained for a period of five years after the close of the calendar year covered by the file.

b. The evidence custodian shall maintain evidence transactions only in the approved Department of the Navy Evidence Log available through normal supply channels. Each custody document received by the custodian will be reflected on a separate log book line, regardless of how many items of evidence are listed on the document. It shall also contain date entries of all inventories, all changes of evidence custodian or alternate, and all changes of lock combinations. Each entry indicating a receipt of evidence by the custodian shall be assigned an Evidence Log number which shall consist of two groups of numbers separated by a dash (-). The first group of numbers will be a three-digit chronological number of the document for that year, and the second group of numbers will consist of the last two digits of the year; e.g., 001-97 for the first evidence custody document for the calendar year 1997. Such additional information as may be desired for local control purposes may also be entered after the above items. Each entry will be made in

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black ink on the next blank line and no empty lines will be permitted. In the event that an error is made in the entry, the line should be ruled out and the custodian's initials placed thereon. Erasures of entries are not authorized.

c. The Active Evidence Custodian Record shall consist of copies of each Evidence/Property Custody Receipt relating to evidence which has been received by the custodian and which has not been finally disposed of. This record shall be maintained in one or more loose-leaf notebooks, and Evidence/Property Custody Receipt shall be filed by Evidence Log Number with new entries being placed on top. This record will then serve as a control device for periodic review of evidence holdings for possible disposal and will represent all evidence for which the evidence custodian is responsible.

d. A Final Evidence Disposition File will be maintained of all Evidence/Property Custody Receipt relating to evidence which has been finally disposed of. This file will be kept in appropriate file folders with one or more folders for each calendar year in which evidence is permanently disposed of. The original Evidence/Property Custody Receipt, except when it has been transferred to another investigative agency, or laboratory, shall have the final disposition section completed and then be filed in the Final Evidence Disposition File in chronological order of final disposition. The duplicate copy of the Evidence Custody Document in the Active Evidence Custody Record shall be destroyed. In the event the original is forwarded with the evidence during the final disposition action, the copy in the Active Evidence Custody Record shall be completed and transferred to the Final Evidence Disposition File.

e. The required evidence custody records shall be stored in the evidence storage facility in a suitable locked file cabinet or other secure container, preferably a fire proof container. Only the evidence custodian or alternate shall have access to these records.

### 5. EVIDENCE SUBMISSION

a. The USMC law enforcement person first assuming custody of evidence will mark the evidence itself for future identification. If such marking is not possible, the evidence will be put in a container that can be marked. The marking will consist of time and date of acquisition and the initials of the person who

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assumed custody of the evidence. When any person submits evidence to the evidence custodian, it shall be properly tagged, in appropriate containers if needed, and have the original and two copies of the Evidence/Property Custody Receipt securely attached to the evidence or its outer container. The original and copies of the Evidence/Property Custody Receipt and interleaving carbon paper will be separated only by the custodian accepting the evidence for entry into the system. The original and all copies of the Evidence/Property Custody Receipt shall be signed by the evidence custodian in the appropriate block acknowledging receipt of the evidence. The original shall remain physically attached to the evidence or its container. The first copy shall be placed in the evidence custodian's Active Evidence Custody Record and the second shall be returned to the person turning in the evidence for his information and eventual inclusion in the case file. When evidence is turned into a temporary after-hours depository, the Evidence/Property Custody Receipt shall be signed off by the person depositing the item in the "Released by" column, and he shall enter the name or number of the depository in the "Received by" column, e.g., "MCAS CPNC temporary evidence locker #3." When the seizing person is also the evidence custodian or the alternate evidence custodian, he will also complete the "released by" column on the Evidence/Property Custody Receipt to show release by the seizing person and receipt into the Marine Corps evidence custody system. When any evidence is checked out of the evidence storage facility for whatever purpose prior to its final disposition, a copy of the Evidence/Property Custody Receipt shall be maintained in the evidence storage facility, in the Active Evidence Custody Record. In the event that the original is lost or destroyed, the copy may be used in its place.

b. All evidence being submitted shall be carefully examined, counted and weighed, as appropriate, by the accepting custodian. The submitting individual must ensure those items being retained have some evidentiary value. Any items which do not have evidentiary value will be promptly returned or disposed of by the submitting individual, in accordance with authorized procedures. The evidence custodian will not accept items that are not evidence nor will he accept evidence which is not properly tagged and accompanied by an accurate Evidence/Property Custody Receipt. No item of evidence will be accepted by the evidence custodian without an available case control number for the corresponding police report that pertains to the evidence seized. This precludes confusion at a later date when researching records for



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evidence disposal authority, location of property owners and determining final disposition of evidence.

6. EVIDENCE STORAGE. All evidence shall be stored in the evidence storage facility. The evidence storage facility will contain a refrigerator to store highly perishable items, such as food and human or animal parts. Evidence too bulky for storage, evidence of a classified nature that requires special handling, items of an unstable chemical or flammable nature, and ammunitions/explosives, may be stored elsewhere with the prior authorization of the provost marshal, taking into consideration that restricted physical access to the evidence must be maintained. All such items, unless of an especially bulky nature, shall be wrapped or placed in containers and sealed so that any unauthorized access to the evidence can be detected. A secured compound or warehouse type building must be made available for storing motor vehicles that have been seized as evidence. Personnel maintaining temporary custody of the above types of property will be briefed on the requirements for secure storage and the probable requirement for them to testify as to their custody. Further, they should be required to properly execute the Evidence/Property Custody Receipt upon receipt and release of the evidence. The original of the Evidence/Property Custody Receipt will be left with the evidence unless the storage conditions might cause its destruction. If the evidence custodian deems it appropriate, a copy may be substituted and the original maintained in the evidence storage facility.

### 7. EVIDENCE INVENTORY

a. When evidence is first received into custody by law enforcement personnel, whether confiscated during an investigation or received from another agency or command representative, the receiving party must inventory the evidence personally. Subsequently, when evidence is transferred between parties for any reason, the inventory must be verified by the receiving individual unless it has been placed in a sealed container by law enforcement personnel. Money and controlled substances will be verified even if in a sealed container.

b. The contents of each evidence storage facility shall be inventoried quarterly. An inventory shall also take place on the occasion of a replacement of the evidence custodian, an alternate who has performed duties in excess of 30 calendar days, upon a loss of evidence or when a breach of security has occurred. If

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the inventory required for the replacement of the evidence custodian or alternate occurs within 1 month of either regularly scheduled inventory, it may be substituted for that inventory.

c. When an inventory is taken, it shall be accomplished by the evidence custodian, and a disinterested officer outside of the provost marshal office. An entry shall be entered into the evidence log reflecting the inventory and the participating personnel. If the inventory is necessitated by the relief of the custodian, it shall be conducted by the evidence custodian being relieved, the relieving or new evidence custodian, and the disinterested officer.

d. Within one month prior to the quarterly inventory of evidence, the evidence custodian will review the Active Evidence Custody Record in order to identify what evidence may be logically considered for disposal. It shall be the responsibility of the evidence custodian to obtain disposal authority.

e. The inventory required by this order shall, at the minimum, consist of a reconciliation of the Evidence Log against the Active Evidence Custody Record and a visual accounting of each item for which there is a log entry without final disposition. The only exception to this sighting requirement shall be evidence which, according to the Active Evidence Custody Record, has been temporarily transferred to another activity. Evidence which is stored outside the command evidence storage facility because of its bulk, classification, or special nature shall be sighted at each inventory, as it is not considered to have been temporarily transferred. Currency and controlled substances must be accounted for by specific count at the time of each inventory.

f. When an inventory is completed, the date of the inventory, the reasons for the inventory, by whom accomplished, and the results thereof shall be entered in the Evidence Log as the next entry at that point in time, and the log entry shall be signed by all parties. If the inventory is a relieving inventory, the log shall also reflect that all locks associated with evidence custody were changed. Any discrepancies will be listed by log number and type of evidence. In the event that discrepancies are found to exist, the evidence custodian shall immediately report them to the provost marshal, who will take appropriate action.

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g. The signing of the Evidence Log by both the incoming and outgoing evidence custodian attesting to the fact that they have completed a visual sighting of each item or group of items of evidence and have found no discrepancies, will complete the transfer of all evidence held at the installation. This negates the need to record the transfer of evidence between evidence custodians on each and every Evidence/Property Custody Receipt held within the system.

h. On the occasion of inspections of installations by Commanding General or Inspector General (HQMC) inspector(s), the inspector(s) will conduct a review of evidence custody procedures and may test the evidence custody system by reviewing selected items of evidence, the associated documentation and a sample number of final disposal actions. This will not be considered as a substitute for one of the required inventories.

### 8. TRANSFER AND SHIPMENT OF EVIDENCE

a. Physical evidence coming into the possession of the Marine Corps will, from time to time, require its transfer and shipment from the Marine Corps component to another agency where the chain-of-custody must be maintained.

b. When it is necessary to transfer evidence to another agency on a temporary basis (normally for laboratory examination purposes) the Forensic Examination Report, OPNAV 5527/15 is used. The original Evidence/Property Custody Receipt will accompany the evidence. The evidence custodian, prior to the release of the evidence, will sign the original and duplicate Evidence/Property Custody Receipts. The duplicate will be maintained as indicated, supra, in the Active Evidence Custody Record in the evidence room. Those persons handling the evidence prior to its return to the evidence custodian will complete the appropriate blocks in the accompanying original Evidence/Property Custody Receipt. A receipt must be obtained from the receiving agency (normally a crime lab) which provides for proprietary control of the evidence while it is not in the Marine Corps' possession. In those cases where registered mail is not used and the transfer is made by hand, the evidence custodian will obtain the signature of the receiving person on both the original and copy of the custody document. The copy is then returned to the evidence custodian to be attached to the evidence document in the Active Evidence Custodian Record. In the event that only part of the evidence is temporarily transferred, the original Evidence/Property Custody

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Receipt will accompany that part with appropriate notations in the item column to the left of the transferring signature. A duplicate of the original Evidence/Property Custody Receipt will be reproduced and attached to the balance of the evidence maintained in the evidence room. Upon return of the original Evidence/Property Custody Receipt, the duplicate may be destroyed.

c. In the event it is necessary to transfer evidence permanently to another agency assuming jurisdiction of the investigation the original Evidence/Property Custody Receipt will accompany the evidence and will be signed out of the evidence locker by the custodian. The duplicate copy in the Active Evidence Custody Record will be executed by the evidence custodian and the final disposition portion will be completed by the agency representative receiving the evidence. The appropriate disposition entry will also be made in the bound Evidence Log Book. The duplicate copy will then be filed in the Final Evidence Disposition File. In the event the agency receiving permanent custody of evidence does not accept all the evidence listed on the evidence custody form, the original evidence custody form will be retained with the balance of the evidence in the evidence locker. The agency representative shall receipt for that portion of the evidence taken by an appropriate entry on the form, and he shall be provided a copy of the original form. The final disposition of the evidence will not be entered in the bound Evidence Log until all evidence listed in the Evidence/Property Custody Receipt form has been properly disposed of.

d. Direct transfer of evidence between any two Marine Corps components authorized to maintain an evidence storage facility is permissible. When evidence is transferred to another authorized Marine Corps component, the original Evidence/Property Custody receipt will be transmitted with the evidence. In the event that only part of the evidence is transferred for use in court, the original will be forwarded and a copy attached to the balance. If it is known prior to transfer that the part of the evidence being transferred will not be used in court and that the remaining evidence will probably be so used, the original Evidence/Property Custody Receipt will be retained and a copy shall be forwarded with the evidence. The Marine Corps component receiving the evidence will continue to use the custody document received from the other office. The item(s) of evidence will be logged the same as any others including the assignment of a new

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evidence log number. The entry in the evidence log will show the new number followed in parentheses, by the code of the originating component and the number it has assigned to the item; e.g., 085-84 (244-82). The new number will also be placed on the custody document just above the original number. The receiving component will then reproduce a copy of the Evidence/Property Custody Receipt and place it in the Active Evidence Custody Record. The component which transferred the evidence, if all evidence was in fact transferred, will remove its copy of the Evidence/Property Custody Receipt from its active file, appropriately annotate the disposition portion and place the document in the Final Evidence Disposition File.

e. In many instances it will be possible to deliver evidence by courier or messenger. This is the most secure method and should be utilized as often as possible.

f. Evidence which is mailed to another Marine Corps component or another agency must, in all cases, be registered and a return receipt requested. The registered mail receipt and the return receipt will be stapled to the Evidence/Property Custody Receipt in the Active Evidence Custodian Record. If the transfer is permanent, the receipts will become a permanent part of the system by inclusion in the final disposition file with the document. If the evidence is returned to the component the two receipts may be destroyed upon final disposition of the evidence. In no event will certified mail or special handling be utilized. When evidence is prepared for mailing to the laboratory, the following guidelines will be adhered to:

(1) NCIS Laboratory - Double wrap with the inner wrapping marked to indicate the presence of evidence. The package must be specifically addressed to the evidence custodian.

(2) U.S. Army Criminal Investigation Laboratory - Double wrap with the chain-of-custody and laboratory request affixed to the outside of the inner wrapping.

g. All Marine Corps components which may receive evidence by mail should instruct their mail or receiving personnel that as soon as the presence of evidence is apparent, the wrapping should not be disturbed, and the package should be promptly delivered to the evidence custodian. In no event should mail or receiving personnel other than the evidence custodian tamper with the inner wrapping.

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### 9. DISPOSAL OF EVIDENCE

#### a. Authority

(1) Approval for the final disposal of evidence shall be obtained from appropriate authority, as set forth below, and entered in the final disposal section of the Evidence/Property Custody Receipt. For evidence seized which correlates with a criminal investigation report, a locally generated Case File Retention/Evidence Disposal Sheet will be utilized to monitor judicial/administrative proceedings to help facilitate the disposal of evidence. Upon closure of the investigation, the Case File Retention/Evidence Disposal Sheet will be attached to the outside of the case file and the case file will be placed in a working file. After 60 days, the case file with attached Case File Retention/Evidence Disposal Sheet will be retrieved from the file, at which time the appropriate individuals are contacted for disposal authority. If authority is granted, the Case File Retention/Evidence Disposal Sheet is used to document the authority and provided to the evidence custodian who will attach the completed sheet to the Evidence/Property Custody Receipt. If authority is not granted due to pending action, the case file with attached Case File Retention/Evidence Disposal Sheet, will be returned to the working file for retrieval at a later date. An appropriate entry will be made on the Case File Retention/Evidence Disposal Sheet indicating the reason for the denial of destruction authority. Use of this form assists in monitoring command's actions relative to judicial/administrative proceedings and provides a tracking system for disposal of evidence on a timely basis.

(2) Obtaining authorization for disposal of evidence which corresponds to Military Police Incident/Complaint Reports and other military police reports will be accomplished by the evidence custodian. At a minimum of every 60 calendar days the evidence custodian will make telephonic contact with the commanding officer, or his designated representative, of the command with cognizance over the individuals who are the subject of the police reports, to monitor judicial/administrative action. Once the matter has been disposed of, the evidence custodian will obtain evidence disposal authority from the appropriate authority. In the event the matter has been referred for action other than administrative or nonjudicial punishment, the proper authority, as set forth below, will be contacted for final disposal authority.

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(3) Any evidence which was used in any court action shall not normally be disposed of until the initial trial and subsequent appeals have been completed. Authorization for disposal must be obtained from the appropriate staff judge advocate, his representative, or trial counsel representing the U.S. Government at the original trial. If the evidence was used in federal, state, or other civilian court, the authorization must be obtained from the appropriate prosecuting attorney prior to disposal. When authorization for disposal is received, the evidence custodian shall complete the final disposition section of the Evidence/Property Custody Receipt by recording the name and title of the person authorizing the disposal.

(4) Any evidence which was used in any administrative process shall not be released until all appeals or reviews of the initial action are completed. Prior to disposal of such evidence, authorization shall be obtained from the appropriate staff judge advocate or the commanding officer or his designated representative who has cognizance over the person against whom the action was taken. In the event of their absence, their counterparts at the next senior command should be contacted. When authorization is received, the evidence custodian shall complete the final disposition section of the Evidence/Property Custody Receipt, indicating the name and title of the person authorizing the disposal.

(5) Any evidence which is entered into the Evidence Custody System and which is not utilized in judicial or administrative action may be disposed of upon authorization from the provost marshal or his designated representative. In such cases, the evidence custodian will complete the final disposition section of the Evidence/Property Custody Receipt annotating the provost marshal or his designated representative as the disposal authority.

(6) Authority to dispose of evidence entered in the evidence custody system which pertains to individuals assigned to commands at other military installations or units which may be deployed, must be obtained in accordance with the foregoing procedures. This evidence will be retained until final adjudication/administrative action can be verified to avoid inadvertent disposal of evidence needed for presentation at formal hearings. In certain instances, it will be required for evidence to be transferred to other Marine Corps evidence facilities or other law enforcement facilities for use during

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legal proceedings in other jurisdictions. This will be accomplished by registered mail with return receipt requested and documented accordingly on the Evidence/Property Custody Receipt. Prior to the transfer of evidence to other Marine Corps facilities or other agencies, coordination with the receiving law enforcement agency is essential. Transfers of evidence to other jurisdictions will be considered the final disposal for the evidence facility that initially received the evidence and will be recorded as such on the Evidence/Property Custody Receipt.

b. Specific guidelines for evidence disposal are as follows:

(1) Evidence which is obtained during the course of an investigation and is the personal property of an individual shall, whenever possible, be returned to that person, with the exception of items, the mere possession of which is unlawful. Such items would include narcotics, unlawfully obtained drugs, illegal firearms, explosives, counterfeit U.S. or foreign currency, or counterfeit identification. When personal property is returned to the owner or his authorized representative, the individual receiving the property will be required to sign for it in the disposition section of the original Evidence/Property Custody Receipt or, in its absence, the duplicate copy. If the owner or his representative presents a Marine Corps property receipt when making the claim, the receipt will be obtained and destroyed. In the event that the owner refuses to accept all the property seized, this will be noted on the Evidence/Property Custody Receipt, and other appropriate disposal will be made of the property. In the event certain personal property, the possession of which is prohibited by command or base regulations, is entered into the evidence custody system, this property will be returned to the command having control over the individual from whom it was obtained when it is no longer needed as evidence. It will be necessary for that command to receipt for the property and make a determination as to its disposition.

(2) When U.S. Government property has been received as evidence and can be identified as belonging to a command it will be returned to a command representative and that person will be required to receipt for it in the final disposition section of the Evidence/Property Custody Receipt.

(3) All U.S. Government property which cannot be identified as belonging to a particular activity or command shall be submitted to the nearest Marine Corps supply activity or



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Defense Reutilization and Marketing Office (DRMO). This will be accomplished in accordance with current Marine Corps procedures. In addition to any documentation required by the receiving activity, the activity's representative shall receipt for the material in the final disposition section of the Evidence/Property Custody Receipt. In the event that the activity declines to receipt on the Evidence/Property Custody Receipt, a suitable receipting document shall be obtained and attached to the Evidence/Property Custody Receipt.

(4) Currency which cannot be returned to the rightful owner shall be turned in to the U.S. Treasury via a local Marine Corps disbursing office through a cash collection voucher. The same procedure applies to U.S. Government funds held as evidence.

(5) Evidence which, by its nature, cannot be returned to the owner or entered into the Marine Corps supply system for disposal, such as narcotics, illegal firearms or other contraband, shall be destroyed. Such destruction shall be accomplished by or in the presence of the evidence custodian and either a Staff Noncommissioned Officer or Commissioned Officer assigned to PMO and a second Staff Noncommissioned Officer or Commissioned Officer if the evidence custodian is a Staff Noncommissioned Officer. All persons involved and witnessing the destruction will sign the final disposition section of the Evidence/Property Custody Receipt. Such destruction shall be of a nature so as to make the evidence unusable for any lawful or unlawful purpose other than residual scrap.

(6) Under no circumstances will any evidence be converted for use by a Marine Corps component or for the personal use of any individual.

(7) Releasing evidence in the form of controlled substance training aids to Military Working Dog Teams or for the purpose of making a training aid display board is not authorized.

(8) When making final disposition on Government-owned firearms no longer required as evidence, the Evidence Custodian should be guided by the principle that such weapons should be returned to the command from which they were stolen or seized. If this cannot be accomplished the weapon should be forwarded, not as evidence, to COMMARLOG BASES for disposition.

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## APPENDIX E

### DOMESTIC VIOLENCE

#### 1. GENERAL

a. Annually, numbers of police officers are killed and injured responding to domestic violence calls. Several major metropolitan police departments have estimated that up to 40 percent of all service connected injuries occur while answering family crisis calls. In part, this statistic is explained by the fact that law enforcement departments are one of the few social agencies available 24 hours a day, 365 days a year. Proper training for law enforcement personnel should reduce injuries, provide assigned personnel specific skills and methods for responding to crisis situations, and increase the ability to assist people in solving their problems by referring them to appropriate social agencies.

b. The role of law enforcement in personal crises is a very controversial subject. Many feel that crisis intervention is a job for social workers, not law enforcement personnel. The failure to recognize this important and time-consuming police role has resulted in misunderstandings and a general lack of training emphasis. Because of several factors unique to law enforcement agencies, the crisis management mission will continue to be a law enforcement responsibility. As such, training and policies that will enable law enforcement personnel to effectively and safely intervene in crisis situations must be enhanced. Factors favoring the law enforcement intervention role are:

- (1) Ability to respond 24 hours a day.
- (2) Capability of immediate response.
- (3) Availability of communication and transportation systems.
- (4) Authority to physically intervene in a dispute and apprehend, if necessary.
- (5) Command structure that permits and encourages long term resolutions.

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### 2. ROLE EXPECTATIONS (DUTY)

a. Military Police shall report all domestic violence.

b. To reestablish order and preserve the peace, law enforcement personnel are often required to intervene in domestic disturbances. The objective of intervention should be to initiate action that will neutralize the crisis.

c. In responding to this type of disturbance, law enforcement personnel should impartially mediate a solution to the surface cause of the problem only, as they generally lack the time and training to solve deep emotional problems. The law enforcement responsibility is to direct the parties to a point where they can regain control over their behavior and neutralize any further violence, not to solve family problems.

3. ROLE OF THE DESK SERGEANT OR DISPATCHER. In answering domestic disturbance calls, responding law enforcement personnel must have all available information on the family and the situation. The Desk Sergeant or Dispatcher has the responsibility for obtaining as much information as possible about the situation and the individual making the complaint. In a disturbance call, the following actions should be taken:

a. Obtain data concerning the complainant - who, what, when, where, and how, and if weapons are involved or available.

b. Obtain a narrative description of the situation. The complainant should be kept on the telephone in case new events change the situation prior to the arrival of the responding law enforcement personnel.

c. Relay all information to patrolmen answering the call. If a clear description of the situation is unavailable, the patrolmen must be informed.

d. Check weapons registration information, if available.

e. Check local records for related offenses.

f. Additional patrol units should be dispatched as a backup to the assigned unit. If a unit having one patrolman is dispatched, a backup unit should be routinely assigned.

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g. Alert or request appropriate medical assistance if needed.

h. Contact the duty Family Service Representative who will notify a Victim Advocate if needed.

### 4. RESPONSE UNIT

a. The attitude of the responding patrolman is important. Reactions of the disputants will often be in response to attitudes of indifference, aggression or concern seen in the responding patrolmen. A sensitive and tactful approach can do much to create a positive environment in which the dispute can be mediated.

b. Law enforcement personnel deal "with people when they are most threatening, most vulnerable, angry, frightened, desperate, drunk or ashamed." In short, the law enforcement role is to interact with people in crisis. Law enforcement personnel must realize that such people may be hostile, abusive and uncooperative. It is to be expected that some of this hostility will be directed toward law enforcement personnel, who may be viewed as intruders.

c. The military is composed of personnel and dependents from a large variety of ethnic, racial, and cultural backgrounds. Individual backgrounds affect the way in which people understand and react to crisis situations. Levels of maturity in the disputants, the number of children involved, the hardship of the event and the family resources available will also be important factors. Law enforcement personnel themselves come from numerous cultural backgrounds, entering the Marine Corps with feelings, attitudes, and biases acquired through previous experiences. They should be aware of the potential effect of these background attitudes on their reactions to unfamiliar life styles. While ingrained feelings are not easily done away with, they must be controlled if a peaceful/professional atmosphere is to be established.

d. In answering a domestic call, law enforcement personnel should keep in mind that each disturbance is different and must be treated individually. They should also be aware that meanings and attitudes will be read into their words, facial expressions and body positions by the disputants. Therefore, they should carefully consider their opening remarks and questions. The

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verbal approach should be calm, controlled, and concerned. Avoid sarcastic or critical remarks, an impolite tone of voice and threatening or aggressive body positions. The attitude the patrolman assumes in entering the situation can determine the attitude and cooperation returned by the disputants.

### 5. ARRIVAL AT THE SCENE

a. It is important that arriving patrolmen are prepared prior to arrival at the scene. The partners should discuss anticipated actions to separate the disputants and coordinate their efforts. Information from the dispatcher should be noted. If possible, contact with the person who reported the incident would be appropriate to clarify the situation. The approach to the scene should be such that the first notice to the disputants that law enforcement personnel are on the scene is the knock on the door. Circumstances and judgment will dictate the method of approach.

b. In some instances, the approach of a patrolman will be the first sign to one of the disputants that the provost marshal office has been called. There is a danger that the caller may be assaulted between the time the patrolmen arrive at the destination and the patrolmen meet with the disputants.

c. Slamming the car doors, noisy vehicle radios or loud talking may also give warning of the arrival of law enforcement personnel.

d. Windows and doors should be visually checked for unusual movements or objects during the approach.

e. When approaching a dwelling at night, flashlights should not be shined in windows to avoid giving warning of arriving patrolmen. Only the patrolmen in front should use a flashlight, to avoid silhouetting the other officers to the occupants.

f. When approaching the quarters, patrolmen should scan the area for signs of witnesses, toys in the yard to identify the possible involvement of children, and the possible fleeing of the disputants.

### 6. ENTRY

a. Patrolmen should always stand to one side of the door,

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never in front of it. If there are two responding patrolmen, they should stand on either side of the door. When entering, the MP on the hinged side of the door should enter last, to maintain visual contact with the interior of the dwelling and to provide cover.

b. Before knocking, the patrolmen should listen at the door. They may be able to obtain information on the nature of the disturbance and whether or not it is violent before announcing their presence.

c. Before knocking, screen doors should be checked to see if they are locked. Locked screen doors can create an unexpected barrier between the patrolmen and the disputant if immediate action is required.

d. When knocking on the door, care should be taken not to be too loud, as it will sound aggressive. If a doorbell is available, it should be used.

e. The occupant should be allowed to open the door. Law enforcement personnel should avoid entering quarters after being told to "Come in, the door's open." This will prevent their walking into an unknown situation without having an opportunity to evaluate it.

f. If there is no response at the door and the dwelling appears quiet, the address should be verified with the dispatcher. If correct, the sides and rear of the quarters should be checked for indications of the presence of the occupants. Neighbors may also provide useful information.

g. The patrolman should display a calm, positive and helpful manner. Initial impressions will set the tone for the interview.

h. When someone answers their knock, patrolmen should introduce and identify themselves and state why they are there.

i. If not invited into the dwelling, the patrolmen should request to move the interview inside. This will enable them to:

(1) Observe the disputants' living conditions.

(2) Observe the location and number of disputants and any injuries requiring treatment.

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(3) Observe visible weapons and threatening moves.

(4) Observe the emotional stage the dispute has reached and the emotional condition of the disputants.

(5) Remove the dispute from view of the neighbors.

j. Observation of conditions inside the quarters while obtaining background information may give the patrolmen ideas of contributing causes to the dispute.

k. The observable behavior of the disputants can be important as a safety factor:

(1) Emotional signs of fear, hate, depression, and embarrassment can be detected in facial expressions, eye movements, and body positions.

(2) Law enforcement personnel should be alert for sudden movements and continual glances at closets or bureaus. Such actions may be the first indication that the subject has a weapon available.

l. The condition of clothing, (i.e. cleanliness, holes, fit, etc.) and personal cleanliness may be important.

m. Once inside, the patrolmen should separate the disputants into different rooms if practical and possible. They should remain between the disputants and be constantly alert to sudden renewal of arguments or violence. Too much emphasis cannot be made on the safety of the disputants.

n. After calming the disputants, the patrolmen should then obtain information on the family structure and background before attempting mediation.

(1) Questions asked of participants in a domestic disturbance should include:

(a) Names and addresses of all present, their rank, social security number and unit, if military.

(b) The relationship and legal status of the disputants: married, parent-child, boyfriend, girlfriend, etc.

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(c) Length of residence in quarters and period assigned to the installation.

(d) Whether children were involved: if so, their ages and parental relationships.

(e) If the military police have intervened in a domestic dispute before, and if the disputants are receiving other professional counseling.

(2) Such questions will give them important background data, allow a "cooling off" period and clarify what the parties expect of the law enforcement personnel.

(3) Provide Victim with DD form 2701, Victim Witness Assistance Program.

### 7. VERBAL DISPUTES

a. The difference between violent disputes and verbal disputes is that a physical assault has not occurred. The parties involved may be easier to reason with, and a mediated solution to the dispute more possible.

b. Law enforcement personnel should remove the disputants to separate rooms if possible, avoiding leaving them alone or in the kitchen. It is desirable for the patrolmen to remain within sight of one another at all times, if possible.

c. Separation normally causes a distraction to the disputants. If the law enforcement personnel use a calm, firm, and assured tone of voice, they may further distract the disputants and better control the situation. Once separated and order is restored, the parties may be interviewed.

### 8. VIOLENT DISPUTES

a. When responding to a violent disturbance, immediately intervene to separate the disputants. Patrolmen should concern themselves with their own safety as well as that of the disputants. In separating the persons involved, they should make a visual search for objects that could be used as weapons. If the disputants cannot be calmed, apprehension and removal to the provost marshal office may be necessary. Take into custody one of the parties (or both) if there is physical evidence of



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assault. Very few instances of domestic violence are mutual. Military police will make every effort to identify the primary aggressor in every instance.

b. In disputes, it has been found that participants may view the officers as protectors. Feeling protected, the participants may insult, strike, or otherwise provoke the other.

c. A potential danger exists in persons who are unusually quiet and controlled in highly emotional disputes. Such people may be near the breaking point and may become violent and upset by an innocent gesture or remark.

d. If the parties can be separated, they should be removed out of sight and hearing of each other. In separating the parties, the disputants should never be allowed to come between the officers, should never be left alone in another room, and should not be removed to the kitchen because of the availability of potential weapons. Once separated, order is restored, and necessary first aid given, the parties may be interviewed.

e. It has been noted that law enforcement personnel are most often attacked by one partner when they use force against the other disputant, therefore, if some physical force is necessary against one person in the dispute, be very alert for an attack by the other disputant(s).

### 9. CHILDREN

a. In disputes where one disputant is a child or young adult, there may be a feeling of resentment against the authority of older persons. Law enforcement personnel as authority figures may be assumed to automatically side with the parents. Therefore, when answering such a disturbance call, the patrolmen should show an attitude of concern and understanding for the child's version of the argument. The youth's feelings, problems, and thoughts should be listened to and evaluated as carefully as those of the parents or other disputants.

b. If children are present, but not involved in the dispute, the parents should be asked to remove them from the room.

c. In some cases child welfare organizations, relatives, or friends may be asked to assist with the children.

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### 10. ALCOHOL INVOLVEMENT

a. Alcohol is involved to some extent in many domestic disturbances. If one of the disputants is very drunk, the patrolmen will have a difficult time obtaining factual information from that person. They will have to depend heavily on the more sober disputant for information.

b. Heavy drinkers often seek sympathy through self-persecution. They often blame themselves for their families' problems and express self-hate. Drinkers might also dismiss their condition as the only means of allowing them to cope with life. These and other defense mechanisms will hinder mediation of the problem.

c. Law enforcement personnel must be objective and fair in dealing with persons under the influence of alcohol without giving them sympathy. They should be viewed as persons who have lost self-control. As such, they may not respond to reasoning and a mediated solution. In such cases, take a firm stance, advising that apprehensions could result. There is little law enforcement can do realistically to solve alcohol problems. All incidents attributed to the irresponsible use of alcohol should be referred to the unit Substance Abuse Control Officer (SACO).

d. The individual who is sober or least intoxicated may omit facts, and present data that will discredit the other disputant. Be aware of this and carefully evaluate the reliability of all information received. If this person is really concerned about their mate's drinking problem, they may be convinced to supply helpful data.

11. THE INTERVIEW. Law enforcement personnel should not conduct interviews until the disputants have been separated, seated and have furnished basic background information. During the interview, law enforcement personnel may be seated to further relax the disputants.

### 12. CAUSES OF FAMILY CRISIS

a. There can be many causes, real or imagined, for disputes: influence of others outside the family such as in-laws or family friends; family or individual finances; alcohol use; sexual difficulties; property damage; pending divorce or separation; physical or sexual abuse of children; illicit drug

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use; discipline of children; and the list goes on and on.

b. Patrolmen approaching a domestic disturbance should be prepared to see and hear anything and then handle the situation as calmly and professionally as possible.

13. BASIC ALTERNATIVES. After the disputants have been separated and interviewed, a decision must be made as to which alternative will work best.

a. Referral. Law enforcement personnel should know the social agencies available on the installation and within the local community. In many cases, the parties have problems that can only be solved by professional counseling. If they realize this, they may ask for information regarding a social agency. Law enforcement personnel should be prepared to answer such requests. A listing of local agencies, addresses, points of contact, telephone numbers, operating hours and services offered will be maintained. The installation Family Service Center can assist law enforcement personnel in obtaining and updating this vital information. Often there are discrepancies between installation policy or guidelines and area civil law or regulation. Personnel should be familiar with these jurisdictional differences and contingency plans must be available.

b. Apprehension. If law enforcement personnel cannot restore order, or violence has occurred or they believe based upon the existing circumstances that violence will occur, an apprehension is required.

c. Separation. Sometimes there is a choice other than apprehension for resolving the issue. Either party could temporarily leave the quarters. The separation would be voluntary and should be suggested in a tactful manner. If either party agrees to leave, the patrolman should remain in the quarters until the individual has departed.

14. FINAL ACTIONS

a. Before departing the residence, law enforcement personnel should restate the points of agreement to be sure they are understood by both parties. They should also explain any applicable installation policies and regulations to include that all cases of domestic violence are forwarded to a Case Review

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Committee (CRC) which has the responsibility to make recommendations to the Commanding Officer on available options. When leaving, they should be polite and close the door behind them.

b. In accordance with local policy, the commanding officer should be informed of the disturbance.

c. In cases resulting in apprehension of the military sponsor, the command may issue a military protection order requiring the military member to stay away from their quarters/family for the safety of the spouse/children.

d. The Marine Corps Family Advocacy Program Standing Operating Procedures (FAPSOP) reference (n) provides additional information regarding command responsibilities for the protection of victims of domestic violence. Appendix K of the FAPSOP provides procedures for issuance of military protection orders.

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## APPENDIX F

### EMERGENCY RESPONSE POLICIES AND VEHICLE OPERATION

1. DEFINITION. Emergency response is the rapid movement of law enforcement vehicles in reaction to a serious incident. Emergency vehicle response generally involves the following factors:

- a. The use of flashing or steady burning warning lights on the Authorized Emergency Vehicle (AEV). Four-Way emergency flashers will not be used except as intended by the manufacturer.
- b. The use of an audible siren on the AEV.
- c. Operation of the AEV in excess of posted speed limits.
- d. The violation of certain traffic regulations by the AEV.

2. GENERAL POLICY. Emergency vehicles shall be distinctly marked with the words "Military Police". Criminal Investigations, low profile and administrative vehicles need not be marked. Emergency vehicle response will be authorized only in those situations set forth in this section and only when the safety of everyone involved has been considered. Emergency vehicle response is necessary in only two types of situations:

- a. When there is a need to have military police personnel at the scene of a serious incident faster than they could arrive without emergency procedures.
- b. When it is necessary to pursue an individual suspected of violating the law.

3. EMERGENCY SITUATIONS. The following are considered to be emergency situations during which emergency vehicle response may be authorized.

- a. Incidents of a felonious nature and possibly life-threatening.
- b. "Military police needs help" calls where military police are engaged in a physical struggle, or in other immediate danger.
- c. Calls of "shot fired, man with a gun, person screaming,"

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or other unknown trouble calls where there is a reasonable belief that life is in danger.

d. When responding to the scene of a major crime or incident when it is believed that normal response would substantially jeopardize law enforcement or investigative action.

e. When responding to a traffic accident where injuries have been reported.

f. When responding to a traffic accident where the extent of injuries is unknown, but there is a reasonable belief that persons could be injured.

g. When responding to other accidents; i.e., industrial, aircraft, under conditions similar to paragraphs e and f above.

h. When directed to establish roadblocks in connection with emergency aircraft landings, and other serious incidents.

i. When responding to medical emergencies prior to the arrival of medical personnel.

j. When responding to fires or other emergencies prior to the arrival of fire department personnel.

k. When emergency law enforcement response is requested by fire department or medical personnel.

l. When transporting injured persons in the absence of medical assistance.

m. When necessary to apprehend person(s) suspected of a felony.

n. When in pursuit of a vehicle under the conditions detailed in Chapter 2 of this Manual.

o. During protective service details when it is necessary to transport the protectee rapidly for safety.

p. During other situations when, in the judgment of military police supervisors, such response is justified.

4. USE OF EMERGENCY VEHICLE EQUIPMENT. The emergency equipment

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installed on AEV's may be used in certain non-emergency situations. Examples are:

- a. The use of warning lights, blue/red lights and siren to stop a traffic violator and issue a violation notice.
- b. The use of the vehicle's warning lights, blue/red lights for traffic control or as a hazard warning for traffic stops, accidents, construction, disabled vehicles, etc.
- c. The use of the vehicle's warning lights, blue/red lights for funeral escorts, hazardous material escorts, or for access to aircraft flightlines.

5. EMERGENCY ESCORTS PROHIBITED. The use of an emergency vehicle to lead a non-emergency vehicle on the roadway under emergency conditions is prohibited. This situation often occurs when a motorist is transporting a sick or injured person and seeks assistance. Military police personnel should either call for medical assistance at the scene, transport the person in the AEV or provide a non-emergency escort as appropriate.

6. USE OF EMERGENCY VEHICLES FOR SUBSISTENCE. It is not contradictory for military police while in a duty status to conduct a brief stop to subsist at dining facilities, the base exchange, 7-day stores, etc. Provost marshals shall establish in writing those areas where on-duty military police may make an expedient stop for the purpose of subsisting.

7. EMERGENCY VEHICLE OPERATION. The person initiating the emergency movement of any AEV will immediately broadcast that fact, as soon as possible, and indicate the location and direction of travel. Chapter 2 contains guidance on communication procedures.

8. The watch commander or desk sergeant may alter the emergency response of a patrol unit. Some of the factors which should be considered in making this decision are:

- a. Will an emergency response significantly expedite the patrol unit's response time?
- b. Will an emergency response alleviate a hazard to victim(s) at the scene of the incident?

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c. What is the likelihood that an emergency response will precipitate a hostage situation or other hazardous act(s) by the suspect(s) (e.g., robbery in progress)?

9. The responding patrolman may request the initiation or discontinuance of an emergency response to the watch commander or desk sergeant if deemed necessary and, if no reply is received from a supervisor, may alter the response, taking into account the factors specified above.

### 10. VIOLATION OF TRAFFIC LAWS

a. Personnel operating emergency vehicles must do so at a safe speed. A safe speed is the speed at which the driver of an AEV can bring the vehicle to a stop, avoiding a collision with any vehicle or pedestrian who may fail to heed the emergency warning devices.

b. Law enforcement personnel may be required to violate traffic regulations while operating as an AEV when it is absolutely necessary. Proceeding through red lights, stop signs, and uncontrolled intersections must be accomplished with utmost caution. AEV operators may also be required to exceed the posted speed limits, provided that they do not exceed the safe operating speed.

c. Even though there are situations in which law enforcement personnel may exceed the posted speed limit, good judgment and operation of vehicles in a manner appropriate for existing conditions is required. Law enforcement personnel are responsible for any negligent or reckless operation of emergency vehicles.

d. Each provost marshal office will establish a clearly defined written policy regarding this subject.

### 11. HIGH SPEED PURSUITS

a. High speed pursuits are prohibited, except in felonious or life-threatening situations.

b. All high speed pursuits must be approved by the senior on-duty supervisor prior to initiating the pursuit.

c. In accordance with MCO 5100.19, successful completion



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of the Emergency Vehicle Operators Course (EVOC) is necessary for a patrolman to conduct a high speed pursuit. The course must be taught by Emergency Vehicle Operator Instructors that are certified under the provisions of the Naval Safety Center (NAVSAFECEN). The provost marshal will incorporate the EVOC into the annual training plan. Operators will complete the EVOC every three years thereafter, to ensure competency in the safe operation of emergency vehicles. This requirement cannot be waived. Additional training will include the following elements:

- (1) Applicable laws and regulations.
- (2) Safe operating under normal and emergency conditions.
- (3) Operator's inspections and primary preventive maintenance.
- (4) This training will be documented on the operators training record as per MCO 5100.19.

### 12. ROAD BLOCKS

- a. The use of "moving/rolling" road blocks is prohibited.
- b. The use of road blocks at entry and exit points of an installation should only be used when the fleeing vehicle could cause serious harm to the public. Ramming a suspect vehicle by military police vehicles is prohibited.
- c. Any road blocks, particularly those in congested areas such as gates, should leave an escape route.
- d. The use of tire flattening devices is authorized.
- e. Provost marshals will establish local written policy regarding the use of road blocks on the installation.

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## APPENDIX G

### PROTECTIVE SERVICES/SECURITY ESCORTS

1. GENERAL. Protective service/security escort personnel are the commander's principle resource in protecting high risk personnel.

a. Protective service operations will be conducted in accordance with U.S. laws and regulations and international agreements to which the United States is a party. Unless authorized by statute or international agreement, military police (MP) performing personal protective services off military installations will not identify themselves as military police or wear uniform accouterments that project military law enforcement authority. Military police may not enforce civil law; however, they will always act to defend the high risk person or themselves wherever they may be.

b. Conduct of protective services, organization of the protective service force, the number of personnel employed, and the duration of the mission will be determined based on the status of the principal, threat, vulnerabilities, location, and other conditions that may present a danger to the principal being secured.

c. The mission of protective services is to protect the principal from assassination, kidnapping, injury, and embarrassment. Protective service personnel must be able to react instantly by covering and evacuating the principal in case of attack.

d. Full-time protective services will be provided only for personnel designated as Level 1 high risk by Headquarters Marine Corps (code CMC) in accordance with DoD Directive 5210.56 and SECNAVINST 5500.29 or as requested by the commander exercising geographical responsibility for the area being visited.

e. Protective service personnel may also be called upon to provide protective services/security escorts in areas where circumstances approach combat conditions. During combat conditions other personnel may be designated to receive protection. MP commanders will assign appropriate personnel.

(1) Combat Operations. Advance security arrangements

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will be made before the arrival of the principal. Threat analysis is done and updated, itineraries must be prepared and safeguarded, routes must be examined to identify safe havens, plans for evacuation or extraction must be considered, and special attention must be given to the potential for injuries and the ever-present possibility of capture.

### (2) Planning Guidelines

(a) Weapons. Where the situation deteriorates to actual combat, weapons systems may need to be upgraded, including machine guns for vehicles and aircraft, and other combat weapons systems as appropriate. Weapons must be approved by the host government, the U.S. Embassy and the U.S. military representatives.

(b) Communications Systems. Additional communications systems also may be required, and again country clearance for the equipment and the frequencies must be obtained in advance. There are many areas where certain radio frequencies interfere with the normal activities of a host country. Protective services personnel should have radios that can interface with U.S. and host-nation military units.

(c) Uniform. The dress code will change to include those items typically worn in a combat zone, such as helmets, boots, web gear, and additional body armor for individuals. The principal, whether military or civilian, must be dressed for combat conditions as well.

## 2. RESPONSIBILITIES

a. The provost marshal office is responsible for providing protective service operations for individuals designated by the Department of Defense and Headquarters Marine Corps (POS). This includes the planning and execution of close-in protection for the principal, and coordinating every phase of the mission to include the middle and outer cordons of security. The provost marshal office will provide technical advice and assistance to commanders on protective service operations. This includes the conduct of personal security vulnerability assessments as requested by commanders.

b. Installation provost marshals are responsible for:

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(1) Screening of military police personnel for augmentation in support of protective service operations.

(2) Providing administrative, logistical, and personnel support to protective service personnel tasked to protect designated personnel, and direct the outer cordons of security in support of the protective service mission.

(3) Coordinating with installation commanders in the designation of Level 2 high risk personnel.

(4) Ensuring training and equipment necessary for the conduct of protective service operations are provided and maintained on the installation.

### 3. PLANNING

a. Protective services should be based upon a defense in depth employing concentric cordons or rings of security.

(1) The inner cordon consists of protective services personnel assigned to protect the principal.

(2) Subsequent outer cordons to the immediate area surrounding the principal located at varying distances depending on situational factors outlined in this appendix. This would include uniformed and nonuniformed security personnel (military, U.S. Federal, State, local or host country), physical barriers, or a combination of both, controlling movement within the area.

b. Responsibilities must be clearly defined throughout the protective mission. Project and protocol officers, security personnel, and hosts will be identified and assigned responsibilities.

4. COORDINATION. Every phase of a protective service mission must be carefully coordinated with appropriate military, Federal, State, and host country agencies. Questions with regard to the interpretation of statutes or international agreements will be referred to the servicing staff judge advocate. Visiting protective service personnel accompanying high risk persons will ensure coordination of their protective service mission and operations with the local installation provost marshal. Administrative, logistical, and personnel support will be provided as required by the installation provost marshal office.

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### 5. FULL-TIME PROTECTIVE SERVICE

a. The objectives of the protective service team are as follows:

(1) Deter possible harm to the principal through protective service operations.

(2) Detect threatening situations affecting the personal safety and security of the principal.

(3) Defend the principal from physical harm or embarrassing situations.

(4) Remove the principal quickly and safely from a threatening environment to a more secure location.

b. Duties may include:

(1) Advance security coordination and surveys preceding the principal.

(2) Accompanying the principal when away from place of residence and work office.

(3) Residence watch.

(4) Accountability of the principal's property during travel.

(5) Protective countersurveillance of the principal.

c. Standard Marine Corps weapons and equipment should be used to perform protective service missions. Certain protective service missions may require use of special equipment and materials. If items are not provided on table of equipment authorization, or through routine supply channels, commanders will consider local purchase, procurement, or lease of the equipment.

(1) Protective service teams/security escorts are authorized use of unmarked vehicles of commercial design and colors in performance of their official duties. A minimum of two vehicles for team use for each principal being protected is mandatory. Vehicles should be similar to those available on the

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local economy in order to blend with the local environment.

(2) Effective communications are vital to protective service operations. Hand-held and portable base station frequency modulated (FM) radios equipped with surveillance packages will be available. All hand-held radios should have hands-free operation capability and all networks should be capable of secured communications.

6. SELECTION AND CERTIFICATION. The inherent danger and diverse demands of full-time protective services dictate the need to ensure personnel meet the highest standards and proficiency of technical skills.

a. Personnel nominated to perform protective service duties will meet the following prerequisites:

(1) Qualified in primary military occupational specialty (MOS) 5811, military policeman, or 5821, criminal investigator, or other MOS personnel who meet all other requirements listed.

(2) Have the rank of Sergeant through Gunnery Sergeant. Corporals with a minimum of 2 years military or civilian police experience may also be considered for selection.

(3) Possess or be able to possess a secret security clearance.

(4) Free of any record reflecting civilian or military offenses other than minor violations, and other conduct or behavior not in the best interest of the Marine Corps.

(5) Cleared by a favorable Defense Clearance and Investigations Index (DCII) name check.

(6) In excellent physical condition, first class on the most recent Marine Corps Physical Fitness Test, and conform to height and weight standards.

b. Personnel selected for full-time protective service duties must successfully complete the U.S. Army Military Police School (USAMPS) Protective Services Training Course or a Marine Corps approved equivalent.

c. Personnel performing full-time protective service duties

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must maintain proficiency of their technical skills. As a minimum, personnel will receive individual and team training, to include evasive driver training. They will be periodically tested under varied scenarios, qualify or familiarization fire quarterly with their assigned weapons, and receive first-aid training to include CPR qualification.

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## APPENDIX H

### SPECIAL REACTION TEAM (SRT)

#### 1. SRT COMPOSITION

a. SRT Commander. The SRT commander is responsible to the provost marshal or his designee (e.g. deputy provost marshal for operations, MP operations officer) for administrative supervision, operational coordination, and training management of the SRT. The SRT commander should not be an operational member of the SRT. The SRT commander should develop building containment plans for all installation critical facilities, develop SRT standard operating procedures, and acquire individual and team equipment. Additionally, the SRT commander obtains facility blueprints, as required. During actual incidents, the SRT commander is responsible to the on-scene commander (senior on-duty military police officer/SNCO at the incident scene who is directing and supervising the law enforcement response) for the overall planning and execution of an SRT operation, control over multiple entry elements, control and coordination of cover element, supporting marksman fire with the movements of the entry element, and coordination of SRT activities with the on-scene command post. However, once an SRT executes their operations plan, respective team leaders should exercise operational control of their entry elements.

b. Entry Element. An entry element shall consist of a team leader, pointman, first defenseman, second defenseman, and rear security/utility defenseman as described in figure H-1.

c. Cover Element. Each four man cover element is comprised of two teams of a designated marksman and observer (spotter) as described in figure H-1.

d. All SRT members should cross-train in each of the entry element positions. Team leaders must be completely knowledgeable of each SRT member's duties.

#### 2. PERSONNEL SELECTION CRITERIA

a. Selection Recommendations. In addition to criteria for MOS 5811, SRT members must comply with the criteria in MCO P1200.7 for MOS 5815 (SRT member) which includes:



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(1) At least one year of operational military police (installation law enforcement) experience.

(2) High level of physical fitness (at least 1st class on PFT) and agility; capable of performing arduous tasks over sustained periods.

(3) Meet Marine Corps height/weight standards.

(4) Qualify expert with the service rifle and pistol, as well as other assigned SRT weapon(s).

(5) Mature and disciplined.

(6) Capable of working with others in a team.

b. Additional Suitability Considerations. Potential SRT members should be screened by the SRT commander (or the senior entry team leader) for suitability. Nominations are subject to the approval of the provost marshal. Additional suitability criteria for consideration include:

(1) Volunteers are preferred for SRT duty, however, assignment will be based on mission requirements and best qualified Marines will be assigned to ensure a quality SRT capability.

(2) Available 24 hours for recall.

(3) No prior courts-martial or NJP.

(4) Excellent hearing and eyesight, preferably 20-20 correctable vision.

### c. Selection

(1) The SRT commander should be selected by the provost marshal and be an officer or SNCO.

(2) SRT entry element team leaders should be selected by the SRT commander (if appointed), with the concurrence of the provost marshal.

(3) Designated marksmen and observers should be nominated by the entry element team leader(s) and selected by the

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SRT commander, with the concurrence of the provost marshal. Each designated marksman and observer shall have demonstrated exceptional knowledge in the operation of SRT firearms as well as a high degree of accuracy in actual use. Before being designated as a marksman or observer the nominated MP should attend SRT phase II training at USAMPS or a federal/state certified marksman course.

(4) Other SRT members should be selected by the SRT commander or designee, per this manual and other guidance set forth by the provost marshal.

d. Assignment to an SRT should be based upon satisfactory completion of a 6-month probationary period following graduation from the Special Reaction Team Course, U. S. Army Military Police School, Ft. McClellan, AL; or regional FBI Special Weapons and Tactics course; or federal/state certified course; or equivalent

### 3. CONTINUOUS ELIGIBILITY

a. Installation provost marshals should require SRT member participation in scheduled training, exercises, and employments (unless on leave, hospitalized/SIQ, or TAD) to remain eligible as an SRT member.

b. SRT members must maintain continuous compliance with the criteria in paragraph 2 of this appendix. Any SRT member who fails to meet prescribed criteria shall be prohibited from serving as a regular SRT member on employments; any such SRT member shall be allowed no more than 30 days to achieve compliance with this appendix before removal from the SRT

c. The SRT commander shall submit a report or summary of reasons for the dismissal of an SRT member to the provost marshal.

d. Installation provost marshals may recommend to CMC (MMEA) the removal of the 5815 secondary MOS of any Marine who declines to support or participate in the training of the SRT

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## TEAM COMPOSITION

<b>TEAM LEADER</b> <ul style="list-style-type: none"> <li>- Organize and supervise an SRT</li> <li>- Coordinates planning, implementation, and training</li> <li>- Records all training that the team receives, certifying SRT member's duty proficiency</li> <li>- Plans and executes assaults</li> <li>- Controls cover and entry teams</li> <li>- Determines special needs</li> <li>- Ensures team weapons and equipment are accounted for</li> <li>- Prepares after-action reports</li> </ul>	<b>POINTMAN</b> <ul style="list-style-type: none"> <li>- Conducts reconnaissance/recommends primary and alternate routes of approach</li> <li>- Leads entry team during approach/assists defenseman in security role</li> <li>- Carries any special equipment and employs pyrotechnics at the command of the team leader</li> </ul>	<b>DEFENSEMAN</b> <ul style="list-style-type: none"> <li>- Provides security for the pointman during movement</li> <li>- Acts as pointman when necessary and protects the entry element from ambush during approach and entry into the objective</li> <li>- Covers the entry element during withdrawal</li> <li>- Employs pyrotechnics at the command of the team leader</li> </ul>
<b>REAR SECURITY/UTILITY</b> <ul style="list-style-type: none"> <li>- Provides rear security for the entry element during movement</li> <li>- Covers the entry element during withdrawal</li> <li>- Serves as assistant team leader</li> <li>- Carries additional equipment as necessary</li> <li>- Assists EOD in placement of prepared explosives and triggering breach</li> </ul>	<b>MARKSMAN</b> <ul style="list-style-type: none"> <li>- Maintains surveillance on the subject area from a fixed position</li> <li>- Provides intelligence and information to team leader while in the surveillance role</li> <li>- Neutralizes hostile fire with well-planned shots at the command of the team leader</li> <li>- Provides cover for the entry element during initial entry</li> </ul>	<b>OBSERVER OR RECORDER</b> <ul style="list-style-type: none"> <li>- Records all events prior to, during, and after the incident for use as evidence and information in the after action report</li> <li>- Provides security for the marksman</li> <li>- Assists marksman in locating hostile personnel</li> <li>- Relieves marksman as necessary</li> <li>- Employs CS at the command of the team leader</li> </ul>

## 4. SRT MUNITIONS AND EQUIPMENT

a. Ammunition. Ammunition (to include pyrotechnics and diversionary devices) will be procured per MCBul P8011.; no other ammunition or munitions may be utilized without an appropriate waiver. Allocations of SRT training and operational (security) ammunition are prescribed in MCBul P8011. Ammunition selection, where discretionary (e.g. 12 ga. 00 buckshot vs. slug rounds) should be determined by the team leader per SOP and applicable tactical plan.

b. Team Equipment. SRT equipment items, listed in figure H-2, comprise both mandatory and optional equipment. The optional equipment lists are not all-inclusive, but reflect equipment that has been proven effective when utilized by other close quarters battle (CQB) elements. SRT may use these equipment lists as justification for procurement.

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### TEAM MEMBER EQUIPMENT/WEAPONS

<b>TEAM LEADER</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm (M9)</li><li>- Rifle M16-A2 or 12 Gauge Shotgun or</li><li>- CQB entry Weapon, MP-5, or M-4</li></ul>	<b>POINTMAN</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm (M9) or</li><li>- CQB entry Weapon, MP-5, or M-4</li></ul>	<b>DEFENSEMAN</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm (M9)</li><li>- Rifle M16-A2 or 12 Gauge Shotgun or</li><li>- CQB entry Weapon, MP-5, or M-4</li></ul>
<b>REAR SECURITY/UTILITY</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm</li><li>- Rifle M16-A2 or 12 gauge shotgun</li><li>- CQB Entry Weapon, MP-5, or M-4</li></ul>	<b>MARKSMEN</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm</li><li>- Rifle M16-A2 or Assigned Sniper</li><li>- Weapon (when fielded)</li></ul>	<b>OBSERVER/RECORDER</b> <ul style="list-style-type: none"><li>- .45 cal (M1911A1) or 9mm</li><li>- Rifle M16-A2 or Assigned Sniper</li><li>- Weapon (when fielded) or</li><li>- M203 40mm grenade launcher</li></ul>

Figure H-2

g. Individual Equipment. As with SRT team equipment, SRT individual equipment items listed in figure H-2 comprise both mandatory and optional equipment.

#### 5. BASIC HIGH RISK INCIDENT MANAGEMENT PLAN

a. On-scene commanders should utilize the following basic six-step plan for managing a high risk incident; accordingly, any SRT tactical planning should evolve around the following plan as a foundation:

(1) Containment. Initially responding military police establish an inner perimeter to reduce the suspect(s)' mobility to a minimal area. This action serves to establish the incident as a static problem instead of a mobile situation. Immediately upon arrival at the location of a high risk incident, the SRT should establish a tactical command post. The SRT commander normally will obtain a situation report and issue a warning order. Initial employment of the SRT depends on the situation; however, marksman/observer teams deploy as soon as practicable to well concealed areas offering good firing positions, cover for the entry element's approach, and a clear field of observation. Often the position of the marksmen/observers will be located where they can relieve a portion of the inner perimeter, but this is secondary to the accomplishment of their principal missions. The first responding entry element should plan for, rehearse, and be prepared to execute an emergency assault on the objective. Unless the PMO has an additional entry element(s), the entry element should plan for and conduct detailed rehearsals to

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execute the tactical option. Deployed SRT personnel should strive to remain well-rested should the incident become protracted. As determined by the SRT commander, an additional entry element(s) may relieve the primary entry element(s).

(2) Isolation. Establish an outer perimeter. Military police set the outer perimeter (as a "pseudo" safety zone) by posting traffic control points around the incident site and evacuating innocent persons exposed to potential harm.

(3) Information/Intelligence Gathering. Gather as many essential elements of information (or confirmed intelligence), as possible, pertaining to:

- (a) Safe access routes to on-scene command post.
- (b) Objective site features, including interior layout and probable location of suspect(s)/hostage(s) in structure.
- (c) Objective site utilities, including intrusion detection system.
- (d) Presence of guard dogs/other animals.
- (e) Avenues of approach to objective.
- (f) Surrounding area features.
- (g) Suspect(s) identifying characteristics.
- (h) Hostage(s) identifying characteristics.
- (i) Suspect(s) criminal, medical, and personal history.
- (j) Hostages(s) criminal, medical, and personal history.
- (k) Suspect(s) training and capabilities.
- (l) Suspect(s) weapons and ammunition.
- (m) Suspect(s) activities.

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(n) Suspect(s) access to transportation.

(o) Background information on suspect(s) contacts.

(4) Negotiation. CID's hostage negotiators will attempt to resolve the situation without force, if possible. However, the SRT should expect negotiations to be protracted and must be prepared to conduct an emergency assault without advance notice. Ensure planning is concurrent with and accounts for the negotiations element (CID, NCIS) effort.

(5) Tactical Resolution. Anticipating that negotiations may fail, SRT tactical planning will (at a minimum) formulate courses of action for the employment of CS and/or smoke, engagement by designated marksmen, or assault by the entry team. However, an assault should be attempted only as a last resort and after all other methods have failed or are deemed impractical. An SRT **should not** be committed to a tactical resolution of a high risk incident if it exceeds SRT operational capabilities. Any order by the on-scene commander, provost marshal, installation commander or designee, directing the SRT to exercise a tactical option should be given through the SRT commander.

(6) Apprehension/Surrender. Only the SRT will effect apprehension of the suspect(s). Once an objective has been seized, SRT should immediately restrain (handcuff or flexi-cuff) and search all occupants, whereupon all injuries will be triaged and treated. All occupants are turned over to the senior investigative personnel at the scene. Known hostage(s) should be removed from the objective and safeguarded until investigative personnel take custody of them and confirm their identity; a hysterical or sympathetic (to the suspect) hostage must be regarded as dangerous to the SRT and themselves until authorities establish positive control over the objective site. After the SRT turns over all occupants to investigators, military police should immediately establish security around the objective site enabling investigative personnel to properly conduct a search of the crime scene. No personnel should be allowed to enter the crime scene without the prior authorization of the supervisory investigator, on-scene commander, provost marshal, or installation commander.

### 6. EMPLOYMENT

a. General Precepts. In the event of an actual high risk

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incident aboard the installation, the initial military police precepts are to contain the threat to the smallest area possible, stabilize the situation with the least amount of force, and adhere to strict weapons discipline. The easing of anxieties and tensions, whenever possible, is important to allow the suspect(s) time to evaluate their situation rationally. Proper utilization of time is critical. Rapid planning by the SRT entry and cover elements is essential, even though hostage negotiators normally prolong negotiator-suspect-hostage interaction. Use of force against the suspect(s) should be used as a last resort option. The installation commander or his designee may authorize deliberate use of force, except in the case of self-defense or to prevent serious or fatal injury to a hostage or other innocent person(s). Any lawful order authorizing the deliberate use of force by an SRT will be given through the SRT commander.

b. Initial Law Enforcement Response. The on-scene commander at the location of an incident believed to be extraordinary (high risk) should request the MP dispatcher to recall the SRT.

(1) The on-scene commander may direct the following actions:

- (a) Notify the SRT commander.
- (b) Establish one dedicated radio frequency, if available, for the use of MP units on-scene. Any frequency assigned should be "covered" through a channel guard or encryption.
- (c) Provide for the protection of life and property.
- (d) Confirm the recall of the SRT with the MP dispatcher.
- (e) Ensure that all responding personnel (less SRT) report to on-scene command post prior to deploying.
- (f) Evacuate bystanders and persons in quarters or offices in the potential line of fire, so long as this does not jeopardize or endanger the safety of those involved in the incident.
- (g) Establish a command post out of view of the

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suspect(s) and advise the SRT commander and MP dispatcher of its location.

(h) Designate a military police to chronologically log all significant events or information, such as:

1 Identity of all personnel on the scene, time of arrival, position, and activity throughout the incident.

2 Movement of suspect(s) and their activity throughout the incident.

3 Any other information contributing to subsequent preparation of an incident/complaint report.

(i) Position personnel in a perimeter around the immediate area and secure the scene from those not required to be on the scene (e.g. other than law enforcement/investigative personnel).

(j) Assign personnel to observe possible routes of escape out of view or line of fire of the suspect(s).

(k) Establish an outer perimeter and assign personnel to limit vehicular and pedestrian traffic.

(l) Prepare a map illustrating the position of the suspect(s) in relation to the command post and other structures, designating the location of on-scene personnel.

(m) Collect pertinent information in order to brief the SRT commander and negotiation element leader, as applicable.

1 Pending the arrival of the SRT, the on-scene commander should direct appropriate personnel to gather information pertaining to the incident, including:

a Exact location of the suspect(s).

b Type of weapon(s) believed to be available to the suspect(s).

c Identity of the suspect(s):

1 Name, address, occupation, relatives,



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and ties to the military.

### 2 Criminal history

3 Emotional stability or history of mental illness, including names of treatment facilities and attending physicians.

4 Movements and activities preceding onset of the incident.

5 History of political activities or militancy, if applicable.

### 6 Physical and clothing description.

d Locations of utility connections (water, sewer, electricity, gas, and intrusion detection system).

e Location of telephone(s) and numbers.

2 Once an SRT recall is initiated, the MP desk supervisor should contact the SRT commander, provost marshal, deputy provost marshal (if provost marshal is unavailable), and MP operations officer (or equivalent). Simultaneously, other MP desk personnel may notify each SRT member and supplementary personnel.

3 The on-scene commander exercises exclusive responsibility for the deployment, position, or assignment of personnel (to include CID, fire, medical, EOD, and PAO) assigned or responding to the incident. Responding personnel should approach the incident location on a route given by their respective dispatcher ("be vectored in") and report to the on-scene command post, if not directed otherwise. No personnel shall assign themselves to duties or positions at or near the incident location.

4 On arrival of the SRT commander, the on-scene commander should brief him on the chronology of events precipitating the SRT recall and all pertinent information gathered.

5 As practicable, the MP desk supervisor should assign a dispatcher to exclusively monitor radio traffic

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on the frequency designated for the incident.

### c. SRT Response/Incident Resolution (Options)

(1) Upon recall, the SRT commander and entry team leader(s) should determine the nature of the incident, formulate an estimate of the situation, and determine what team equipment is required. All recalled SRT members should initially report to a pre-designated location to draw their individual weapons, ammunition, and equipment. Once the entry team leader(s) briefs the SRT on the incident, the SRT normally relocates to a covered, concealed assembly area near the location of the incident.

(2) The SRT commander shall respond to the scene as soon as possible. Depending on the situation and well-being of any hostages, the SRT commander may accomplish the following actions:

(a) Report to the on-scene commander upon arrival.

(b) Determine location of the SRT tactical command post apart from the on-scene command post and notify SRT members at the assembly area to displace.

(c) Account for recalled SRT members and supplementary personnel.

(d) Brief SRT personnel and supplementary personnel on the situation; establish assignments and positions, as required.

(e) Assign an entry element to plan, rehearse and execute an emergency assault on order.

(f) Approve the general location of the marksman/observer team location(s).

(g) Formulate the tactical plan for resolving the incident. Assign SRT members to functions supporting the plan and brief the on-scene commander. The tactical plan will consider the following potential courses of action:

1 Containment.

2 CS Agent Employment.

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### 3 Selective Marksman Fire.

### 4 Assault.

(h) Establish a radio link to the on-scene commander and parallel communication to other agencies, as necessary.

(i) Evaluate available resources and request any other specialized equipment or additional supplementary personnel not already available.

(3) If negotiations are established, the SRT should use that time to formulate and refine the tactical plan, coordinate with outside tactical agencies if necessary, and rehearse the tactical plan.

(4) Until the incident is resolved, the entry team leader(s) should remain in constant contact with the SRT commander and take no offensive action unless directed by the on-scene commander. Assault by the SRT is a last resort. Also, the SRT should not conduct a sophisticated assault (e.g. coordinated entry) if ill-prepared. In those situations where the incident is well contained and there are no hostages in danger or time sensitive circumstances requiring rapid resolution of the incident, other means of resolution shall be considered.

d. Medical Response. If any person within the outer perimeter becomes ill or injured, the corpsman supplementing the SRT should:

(1) Request the nearest emergency medical support (EMS) unit to report to a designated location on the outer perimeter where the patient will be moved for treatment.

(2) Administer emergency first aid until the patient can be moved to the EMS unit.

## 7. POST INCIDENT ACTIONS

a. . The SRT commander and on-scene commander should physically account for and determine the status/well-being of their respective personnel, suspect(s), and others directly involved as participants in resolution of the incident.

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b. Preservation of Crime Scene. The on-scene commander shall position military police personnel to preserve the integrity of the crime scene and summon criminal investigators (or NCIS agents, as applicable) to the scene.

c. Report Preparation. The SRT commander and on-scene commander should direct all SRT and other military police personnel involved in the incident to prepare detailed statements.

(1) SRT Commander. The SRT commander shall prepare a detailed statement to supplement the incident/complaint report of the incident. Each SRT member's statement should document their activities and observations throughout the duration of the incident response. The designated military police assigned to maintain the chronological log of activities may assist SRT members in the accurate preparation of their statements.

(2) On-Scene Commander. The on-scene commander shall prepare a detailed statement to supplement the incident/complaint report of the incident. The on-scene commander may:

(a) Direct the military police initially responding to the incident to prepare the incident/complaint report.

(b) Direct all other involved military police and investigative personnel to prepare detailed statements documenting their activities and observations throughout the duration of the incident response.

(c) Ensure that witness statements are obtained from all non-law enforcement personnel witnessing, participating, or providing information or assistance relating to the incident.

(d) Direct that photographs and a scale map illustrating the immediate area of the objective site, including inner and outer perimeters, be prepared.

(e) Coordinate with CID on assumption of investigative jurisdiction, to include crime scene processing.

d. Debriefing. The SRT commander should direct that every SRT member involved in the incident assemble at a place determined by the SRT commander in order to debrief the actions

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of the SRT as a whole and its individual members.

(1) The SRT commander shall ensure reports are prepared as soon as practicable after the debriefing.

(2) An installation serious incident stress debriefing team or chaplains should be used when available.

e. . Both the SRT commander and on-scene commander should provide an account of:

(1) Weapons employed during the incident, by:

(a) Manufacturer

(b) Model

(c) Serial number

(2) Arrival and actions of all involved personnel throughout the incident.

(3) Injuries to personnel, subsequent treatment, and present medical condition (for Accident/Injury Report).

(4) Damage to vehicles, equipment, and personal property.

(5) Information released to media.

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## APPENDIX I

### CRIMINAL INVESTIGATION DIVISION REPORTING PROCEDURES

#### 1. GENERAL

a. The Criminal Investigation Division (CID), an element of the Provost Marshal, reports all aspects of criminal investigations or related matters in accordance with this appendix. The appendix and manual addresses policy, procedures and guidance concerning the use and preparation of CID documents, investigative activity, and relationship between CID and other law enforcement agencies.

b. The CID Report of Investigation (ROI) is the only means of providing the results of criminal investigations or related matters to commanders for information and action; and to the Provost Marshal, NCIS, and CID for criminal information and quality control. The ROI document will be prepared in the prescribed format with required administrative entries.

c. A U.S. Marine Corps Criminal Investigation Report Cover Sheet, NAVMC 10859, Revised (4-91), will be affixed on top of the first page of all CID reports distributed outside CID channels.

#### 2. DEFINITIONS

a. Apprentice Investigators. Marine Corps personnel assigned to a criminal investigation division (CID) for the purpose of determining aptitude, motivation, and potential for investigative duties. Apprentice investigators are assigned duties under the direct supervision of a criminal investigator.

b. Control Office. The Control Office is the CID component which initiates an investigation or operation. It is also the CID component which assumes responsibility for an investigation or operation when control is transferred to it by another CID component.

c. Credentials. A serialized, authenticated, two-part identification card issued by the CMC (POS) identifying the bearer as a criminal investigator.

d. Criminal Investigator. Marine officers assigned MOS 5805 and enlisted Marines assigned primary MOS 5821 who have received

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the required training set forth in the current edition of MCO P1200.7 and are issued credentials by the Commandant of the Marine Corps.

e. Lead Office. The Lead Office is a CID component, other than the control office, which is tasked to perform investigative or administrative action(s) in connection with an investigation or operation.

f. Major Criminal Offense. Under federal criminal law, a major criminal offense, or felony, is defined as any offense punishable by death or imprisonment for a term exceeding 1 year. Under the UCMJ, any offense punishable by death or by confinement for a term exceeding 1 year is a major criminal offense.

g. Offense. An offense is an act or omission as defined by the UCMJ, the U.S. Code, state and local codes, foreign law, and international law or treaty.

h. Sensitive/High Profile Investigations. A sensitive/high profile investigation is defined as any criminal investigation of interest to HQMC general officers, requiring a report to the Secretary of Defense, or likely to receive news media attention (i.e., investigations involving fraud or theft in which the potential loss to the government is \$100,000 or more, or the potential loss is \$5,000 or more and the subject is a commanding officer or O-6 and above, criminal corruption related to procurement by DoD personnel, criminal conduct regardless of offense, where the subject is a health care provider).

### 3. DOCUMENT TYPES/STATUS CODES

a. Report of Investigation. The ROI is used to report the results of an investigation or criminal operation. The ROI is routinely disseminated to commanders and other agencies outside Marine Corps law enforcement. Police jargon will be avoided and the language used must be understandable by recipients.

b. Status Codes. There are ten different status code entries that are utilized in conjunction with the ROI. Specific guidance for utilizing each code is set forth below:

(1) Open. Used by a control component on an ROI to initiate an operation, criminal investigation or law enforcement mission.

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(2) Pending. Used when the investigation or operation is pending additional investigative activity; lead tasking by the control component to other CID components; updating case status from the lead component to the control component when lead tasking cannot be accomplished in a timely manner; and transferring investigative control from one CID component to another. This type of report authorizes a 30 day extension to the investigation process.

(3) Ruc. "Returned Upon Completion". Used by CID components tasked to complete a lead by another CID component after the requested activity was accomplished.

(4) Closed. Used by the control component when all investigative activity is completed or an investigation is canceled.

(5) Reopen. Used by the control component to reopen a closed investigation when it has been determined that additional investigative activity is required.

(6) Only. Used when an investigation has been concluded in an expedient manner, eliminating the necessity to publish an ROI (OPEN) and an ROI (CLOSED). All investigative and administrative matters will be completed within 10 days of case initiation.

(7) Supp. Used by control or lead components when reporting supplemental information. Supplemental information is that which is obtained without additional investigative effort.

(8) Change. Submitted when it is necessary to change/add personal information in the name identifier title and/or case control number.

(9) Referred. Used for referring investigative responsibility to another law enforcement agency.

(10) Dispo. Used to report judicial and/or administrative action by convening authority or civilian judicial process explaining punishment awarded or other findings.

4. REPORT FORMAT. The CID ROI must be prepared in a prescribed format with required entries as set forth in this appendix of this manual. Standardization of the CID report format



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ensures continuity in reporting criminal investigations to commanders.

(a) ROI's will be prepared on 8 1/2 X 11 inch white paper having 66 lines (six lines per inch) top to bottom. The top and bottom margins, and left and right margins for each page will be set at one inch. The first page of an ROI report will have the CID masthead aligned left justified and printed in upper case letters on the first and second lines after the one inch margin.

(b) Three spaces below the CID masthead, left margin justified, type the words REPORT OF INVESTIGATION in upper case letters. The status code entry is entered in parentheses in upper case letters one space following the words REPORT OF INVESTIGATION. (e.g., REPORT OF INVESTIGATION (OPEN)).

(c) All ROI's will be dated in the same manner. The date on which the report is prepared will be extended on the same line as the REPORT OF INVESTIGATION, right margin justified. The date entry will consist of a numeric two digit day, an abbreviated three character alphabetic month in upper case letters and a numeric two digit year (e.g., 02APR93).

(d) The category entry will be made in upper case letters, two lines below REPORT OF INVESTIGATION, left margin justified. The entry will be a title set forth in this appendix for the subcategory of investigation being conducted (i.e. CREDIT CARD CRIME, BURGLARY, and WRONGFUL DESTRUCTION).

(e) The control entry consists of the case control number and is made on the same line as the category entry, right margin justified and consists of a maximum of 25 characters. The entry consists of the word CONTROL immediately followed by a colon, two spaces and the case control number (CCN) entry, (eg. CONTROL: 05MAY93-22DC-00201-7NMA/F). A breakdown of the elements of a CCN is as follows:

(1) Control Date. The Control Date is the date the CID office publishes an ROI initiating an investigation. The Control Date consists of a numeric two digit day, a three letter abbreviated alphabetic month in upper case letters and a two digit numeric year (e.g., 02APR93).

(2) Organization Identification Code. The Organization

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Identification Code (OIC), follows the Control Date separated by a hyphen. The OIC consists of four characters identifying the CID control office which initiates the investigation or operation. The first two characters are numeric immediately followed by two upper case alphabetic letters. The assigned Organization Identification Codes are as follows:

21HQ	HQMC (POS)*	* 59PE	IMEF
22DC	HQMC Henderson Hall	* 60LE	IIMEF
23QV	MCCDC Quantico	* 61KI	IIIMEF
24LE	MCB Camp Lejeune	* 62PE	1stMARDIV
25PE	MCB Camp Pendleton	* 63PE	1stMARDIV
26TN	MCAGCC Twenty-nine Palms	* 64PE	1stMARDIV
27PI	MCRD Parris Island	* 65LE	2dMARDIV
28MD	MCRD San Diego	* 66LE	2dMARDIV
29AB	MCLB Albany	* 67LE	2dMARDIV
30BD	MCLB Barstow	* 68KI	3dMARDIV
31CP	MCAS Cherry Point	* 69KI	3dMARDIV
32ET	MCAS El Toro	* 70KI	3dMARDIV
33LE	MCAS New River	* 71KI	1stMAW
34TU	MCAS Tustin	* 72KI	1stMAW
35BE	MCAS Beaufort	* 73KI	1stMAW
36YU	MCAS Yuma	* 74CP	2dMAW
37IW	MCAS Iwakuni	* 75CP	2dMAW
39KH	MCB Kaneohe Bay	* 76CP	2dMAW
40KI	MCB Camp Butler	* 77ET	3dMAW
41CS	USMC Camp Smith	* 78ET	3dMAW
43MN	4thMARDIV	* 79ET	3dMAW
44NQ	4thMAW	* 80PE	1stFSSG
45DP	4thFSSG	* 81LE	2dFSSG
46MR	MCAS Miramar	* 82KI	3dFSSG

\* Prior approval of HQMC required. Reserved for assignment to deployed units.

(3) Sequence Number. The Sequence Number follows the OIC separated by a hyphen and consists of five numbers starting at the beginning of each calendar year with 00001. The Military Police will control and issue sequence numbers, which correspond with the Case Control Number (CCN), for the central filing system.

(4) Case Category Code. The Case Category Code follows the Sequence Number and is separated by a hyphen. The Case Category Code consists of one numeric character for the primary

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category and an alphabetic character typed in upper case for the sub-category (eg..6T, 7N, and 8B). A listing of Case Category Codes is set forth in this appendix.

(5) Project Identifier Code. Project Identifier Code (PIC) immediately follows the Case Category Code. The PIC consists of two upper case alphabetic characters which are assigned to identify the cause for action or investigation. The following PIC's will be used for criminal investigations:

(a) MA Standard investigation primarily affecting a U.S. Marine Corps command.

(b) NA Standard investigation primarily affecting a U.S. Navy Command.

(c) DR Standard or reciprocal investigation conducted for a Department of Defense (DoD) agency or activity, not Department of the Navy, with no Marine Corps interest. If Marine Corps interest, use MA, NA, NI, etc.

(d) MI Initiative investigation primarily affecting a USMC command generated as a result of an operation, tasking of a Cooperative Witness (CW) or other non-complaint/request initiative.

(e) NI Initiative investigation primarily affecting a USN command generated as a result of an operation, tasking of a CW or other non-complaint/request initiative.

(f) DI Initiative investigation primarily affecting a DoD agency or activity generated as a result of an operation, tasking of a CW or non-complaint/request initiative.

(g) RI Initiative investigation involving non-DoD suspect(s) generated as a result of an operation, the tasking of a CW or other non-complaint/request initiative.

NOTE: All cases resulting from special operation/undercover operation (SO/UO) will be "initiative" (MI/NI/DI/RI).

(h) MH Investigation primarily affecting a USMC command generated as a result of a General Accounting Office (GAO), DoD or Navy (Navy Inspector General (NAVINGEN)) Hotline

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Complaint.

(i) NH Investigation primarily affecting a USN command generated as a result of a GAO, DoD or Navy (NAVINGEN) Hotline Complaint.

(j) DH Investigation primarily affecting a DOD agency or activity generated as result of a GAO, DoD or Navy (NAVINGEN) Hotline Complaint.

(k) MD Investigation to obtain details, or details and disposition of civil arrest(s) for a USMC command.

(l) ND Investigation to obtain details, or details and disposition of civil arrest(s) for a USN command.

(m) MS Specific phase investigation for a USMC command.

(n) NS Specific phase investigation for USN command.

Note: The following project codes apply to operations:

SO Special Operation

UO Undercover Operation

(6) Disposition Code. Disposition Code is a single upper case alphabetic character following the PIC and separated by a slash (/). The Disposition Code is added only by the controlling activity when an investigation is closed, transferred or referred and will be included as part of the CCN on any supplemental documentation (e.g., 17AUG92-26TN-10500-6NNA/F).

(a) The following are the disposition codes authorized for Case Control Numbers:

1 /A Used in closed investigations where there is only administrative actions taken, such as details and disposition investigations and record checks.

2 /C Used for specific phase (MS/NS) investigations and closed investigations where substantive

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investigative effort was expended to resolve non-criminal issues. The /C Disposition Code can also be used when completing request for assistance investigations for other law enforcement agencies and all polygraph (9B) investigations regardless of resolution.

3 /E Used in unresolved investigations. All logical leads were completed, but culpability was not established.

4 /F Used in closed investigations where it was established that a crime occurred, subject(s) were identified, and criminal culpability was established. All three factors must be present to justify the Disposition Code /F.

5 /P Used in closed investigations when it was determined the complainant made a false report. In this circumstance an ROI (CHANGE) must be submitted amending the NI Title to reflect the individual making the false complaint as the Subject and any former falsely accused Subject as a Victim. If falsification cannot be determined, the disposition code of /E or /U is to be used, as appropriate.

6 /R The investigation is referred to another investigative agency which assumed investigative jurisdiction and CID is no longer involved in the investigation.

7 /T The investigation is transferred from one CID component to another.

8 /U The allegation was unfounded.

9 /Z The investigation is canceled prior to completion of all logical leads. The ROI must state why the case was canceled.

(b) The following is an example of a complete CCN reflecting the closing of a CID Camp Lejeune, larceny of private property investigation, which was resolved:

12DEC94-24LE-04567-6TMA/F

5. NAME IDENTIFIER/TITLE ENTRIES. All ROI's are prepared in a format which uses master and secondary titles. These titles are the means by which CID documentation is indexed and cross-indexed into the Defense Clearance Investigation Index (DCII). There are

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two types of master and secondary titles: Personal Titles (Subject, Co-subject, Victim, Alias/AKA and Nee), and Impersonal Titles (Generic/Incident, Unit, Organization and Company). Each specific type of title is indexed into a file by a name identifier (NI) code. The master title is typed left justification in upper case letters two lines below the category entry. Every investigation will have a master title and can have any number of secondary titles. Secondary titles are typed left justification in upper case letters two lines below the last line of the master title. Correct and accurate title information is essential for retrieval of file information and identifying records. Guidance for changing master title entries from generic/incident titles to Subject or Victim titles, and for correction or adding to title information is set forth in this appendix.

a. Name Identifier Codes. The name identifier (NI) is a single alphabetic character typed in upper case followed by a slash which precedes the first line of master and secondary titles. The following is a listing of the NI codes for specific types of titles:

(1) S/ S/(SUBJECT). A Subject is a person who is the focus of the matter being documented. In a criminal investigation it is the person who is suspected to be culpable of the crime. If a military member and a civilian are both suspected of the offense(s), the military member is the listed Subject. A Subject title may only be listed as a master title. In the text, S/(true last name in upper case letters) will be used when referring to the Subject of the investigation.

(2) X/ X/(CO-SUBJECT). A Co-subject is a person suspected of participating or acting in concert with the Subject of an investigation. In the text, X/(true last name in upper case letters) will be used when referring to a Co-subject of the investigation.

(3) V/ V/(VICTIM). A Victim is a person against whom a crime has been committed. Included are those persons who are secondary victims of a crime such as the payee of a forged government check when the government actually incurs the loss. A Victim may be listed as a master or secondary title. In the text, V/(true last name in upper case letters) will be used when referring to a Victim of an investigation.

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(4) A/ A/(ALIAS OR "ALSO KNOWN AS" AKA). Used to list other names used by a person, company or organization. Alias or aka is always a secondary title.

(5) N/ N/(NEE). Used to list the maiden name of a female. Nee is always a secondary title.

(6) I/ I/(GENERIC/INCIDENT). Used when a suspect has not been identified and the victim of a crime is a military installation, command or activity. When used, a Generic/Incident title may only be listed as a master title and not exceed two lines.

(7) C/ C/(COMPANY). Used when any business entity (Company, Corporation, etc.) is suspected of committing or is the victim of a crime. A company title may be listed as a master or secondary title. In the text, C/(appropriate company abbreviation, typed in upper case letters) will be used when referring to the Company of the investigation (e.g.... C/ABC CORP).

(8) O/ O/(ORGANIZATION). Used when a non-government or a non-business organization is suspected of committing or is the victim of a crime. An Organization title may be listed as a master or secondary title. In the text, O/(appropriate organization abbreviation in upper case letters) will be used when referring to the Organization of the investigation (e.g.... O/NAVY RELIEF).

b. Personal Titles. Personal titles are used to index the names, status and identifying data of persons reflected in the NI title of ROI's. The three primary types of personal titles are Subject, Co-Subject, and Victim which have the NI codes S/, X/ and V/, respectively. These are supported by Alias/aka and Nee titles which have the NI codes A/ and N/, respectively. When Alias/aka and Nee titles are used they will be entered immediately below the identifying data line of the Subject, Co-subject or Victim title to which they pertain. An example of a Victim title for a married or previously married female:

V/JONES, MARY JANE/CPL USMC  
F/W/S/000 23 3223/10AUG57/FLINT, MI  
N/PALMER, MARY JANE  
A/JONES, J

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The second line for Alias/aka and Nee titles may be identification data. If the identification data for the Alias/aka or Nee title is the same as that for the Subject, Co-subject or Victim title it pertains to, there is no need for the Alias/aka or Nee title to have a second line with identification data. If the social security number or date of birth differs from that listed for the Subject, Co-subject or Victim entry to which it pertains, the Alias/aka or Nee title entry must have a second line listing the different SSN or DOB. The following is an example:

```
S/BARLEYCORN, JOHN HENRY/CIV
M/W/U/000-00-8668/17MAR56/NEW YORK, NY
A/BARLEY, JOHN HENRY
////000-00-6886//
```

(1) Personal Title Name Entries. A person's name will be entered after the NI code in the following manner: Surname in upper case letters followed by a comma and a space; first given name or initial followed by a space; and middle name(s) or initial(s). First and middle names will be typed in upper case letters. Names should always be used in preference to initials. If a Roman numeral, such as II or III, is used, or a suffix, such as Jr., or Sr., is used, it will be located directly after the surname. Such suffixes should be considered as part of the surname. There should be one space between the surname and the suffix. No punctuation will be used to separate the surname and the suffix. As an example:

```
S/BARLEYCORN JR, JOHN HENRY/CIV
M/W/U/000-00-0000/01MAR56/RICH, KY
```

(a) In the case of married women, the married surname will be used when listing them in the master or secondary titles. The maiden name should be entered as a Nee (N/) title.

(b) To place an individual in the master title or secondary title at least one additional personal identifier (social security number, date of birth or place of birth) must be listed. Without the minimum data, no person will be listed in the master title or secondary title.

(2) Personal Title Status Entries. Personal title status entries are on the same line as, and immediately following, name entries. They are in upper case letters and



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separated from the name entry by a slash (/) and describe an individual's rank or grade within the U.S. Government. For active duty, reserve and most retired military members, a descriptive term as to that individual's status can be placed in upper case letters one space after the Personal Title Status (e.g.. SGT USMC, PFC USMCR). For a non-U.S. Government employee and most retired military members, the Personal Title Status entry will simply be CIV to describe the person's civilian status. It is appropriate to provide additional information in upper case letters in parentheses one space after the descriptive term. The following pertains to personal title status entries for U.S. Government military and U.S. Government civilian personnel:

(a) For military personnel the entry will reflect current rank/rate, branch of service and status, e.g..:

CAPT USNR  
MSGT USMC (RETIRED)  
CDR USNR-R (INACTIVE)  
SGT USMC (FLEET RESERVE)

(b) For Civil Service personnel the entry will reflect the individual's status (e.g., GS, GM, SES, etc.,) and grade (e.g., GS-11, GM-14 and ES-1).

(3) Personal Title Identification Data. Personal title identification data is always the second line of a personal title. It includes six fields separated by five slashes (/). The six fields are Sex, Race Code, Security Clearance Code, Social Security Number, Date of Birth and Place of Birth. They must be entered in the order given with the first entry designating "Sex" appearing in an upper case letter, left margin justified on the second line of the NI Title entry. There will always be entries in the first three data fields. No entry should be made for the other three fields if the information is unknown, but the slash mark used to separate field entries must appear as in the following example:

V/MILLER, JOHN RAY/SGT USMC  
M/W/N/123 45 6789//NEW YORK, NY

As indicated by two slash marks after the social security number, the date of birth of V/MILLER is unknown.

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(4) In order for an ROI with a personal title to be retrievable by name it must also have that name supported by either a Social Security Number, Date of Birth or Place of Birth. A further discussion of each of the identification data elements is set forth below.

(a) Sex. One of three one-letter entries in upper case must be made for this field: "M" for male, "F" for female and "Z" for unknown.

(b) Race Code. An upper case one letter entry representing the individual's race.

1 A - For Asian or Pacific Islander. A person having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.

2 B - For a person having origins in any of the black racial groups of Africa.

3 I - For American Indian or Alaskan Native. A person having origins in any of the original people of North America and who maintains cultural identifications through community recognition or tribal affiliation.

4 W - For a person having origins in any of the original people of Europe, North Africa or the Middle East.

5 H - For Hispanics, i.e., Spanish, Mexican, Central and South American heritage.

f U - For Unknown

(c) Security Clearance Code. The entry is for the level of security clearance currently held by that individual. For DoD affiliated persons who are Subjects or Co-subjects of an investigation there must be an entry other than "U" in this field prior to case closure. For purposes of this entry, the term DoD affiliated persons includes active duty and reserve military personnel, civilian personnel of the DoD and the military departments, and employees of DoD contractors or their subcontractors. The Security Clearance Code "N" will be used only when there is an actual determination that the person has

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not been granted a security clearance. One of the following six one-letter Security Clearance Code entry typed in upper case letters must be made for this field:

- a U - Unknown
- b N - No Clearance Held
- c C - Confidential Clearance
- d S - Secret Clearance
- e T - Top Secret Clearance
- f I - Top Secret, Special Compartmented

Intelligence Clearance

(d) Social Security Number. All Social Security Numbers will have hyphens in the appropriate places. Leave blank if SSN is not known or individual has not obtained one.

(e) Date of Birth. Enter person's birth date in the format of a numeric two digit entry for the day, three letter alphabetic abbreviation typed in upper case for month and numeric two digit entry for year with no spaces between the digits and letters, e.g., 22MAY56.

(f) Place of Birth. Enter the geographic location of the person's birthplace by listing city (if known) and state if the person was born in the United States, or by city (if known) and country if the person was born outside the U.S. For persons born in the U.S., the state entry will be the two letter postal state abbreviation. Both city and state will be typed in upper case letters with a comma and space after the city followed by the state abbreviation. If the person was born in a foreign country, spell out the name of that country.

(4) Supplemental Data. A Supplemental Data entry may only be used with a personal title and to provide amplifying data as to the identity or status of the person being indexed. When used, the information in this section should be kept to a minimum and standard abbreviations are appropriate. The Supplemental Data entry begins on the third line, left margin justified and is typed in upper case letters. It will start with only one of three captions, SUPP (Supplemental), DUSTA (Duty Station), or ADDR (Address) typed in upper case letters, followed by a colon, two spaces and the entry. DUSTA and ADDR entries are mandatory for all individuals listed in master or secondary titles. The sponsor of a military dependent listed in a master or secondary title of an ROI will be entered in upper case letters by rank,

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complete name, branch of service, SSN, and organization, after the SUPP caption.

(5) Impersonal Titles. There are three types of impersonal titles: Generic/Incident, Company and Organization titles.

(a) Generic/Incident Titles. This master title is used when a suspect has not been identified and the victim of a crime or reported activity is a military installation, ship, unit, facility or location. These titles will be listed in upper case letters in the following order: Name of senior command followed by a comma and a space, the subordinate unit or activity followed by a comma and a space; the location of the crime including state or country, followed by a slash (/) and a description of the incident or situation involved. Standard abbreviations as set forth in the Standard Navy Distribution List (SNDL) are required. The first character only must be alphabetic (e.g., THIRD MARDIV vice 3d MarDiv) to permit alphabetic filing and sorting. Each incident should be "individualized" to prevent confusion with other similar incidents or situations designated by the same impersonal title, and minimum punctuation is desired. Generic/Incident titles can also be used in circumstances where the focus of the investigation or the information being reported is not a person, company, or organization. Examples of Generic/Incident Titles are as follows:

I/THIRD MARDIV, 6TH MAR, 3RD BN, BUILDING 2002,  
CAMP LEJEUNE, NC/THEFT OF M-16 RIFLE, SERIAL #123456

I/MCAS EL TORO, CA/SUSPECTED ARSON OF BUILDING  
2147

(b) Company Titles. This master or secondary title is used when the corporation, company or business is the Subject, Co-subject or Victim in the investigation. Principals of the company developed as suspects in criminal activity should be listed as Co-subjects with the Company title remaining as the master title. Any additional companies or firms implicated in the investigation, such as several companies involved in collusion or conspiracy, should also be listed with a Company (C/) identifier. Companies should never be listed as Co-subjects (X/). If an investigation is opened with an individual S/(Subject) as the title, and a company or corporation is implicated in criminal activity, the company will be entered with

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an Alias/aka title (A/) for the company. The company entry, whether it is a master or secondary title entry, will always consist of two lines and be typed in upper case letters. The company name will appear on the first line, and the location of the company will appear on the second line (city/state; city/country if outside the U.S.). No punctuation or other information will be entered for a Company title entry. Examples are as follows:

C/ABC BUILDING SUPPLIERS INC VALLEJO, CA

X/SMITH, JOHN CHARLES/CIV  
M/W/C/000-63-8100/08JAN49/ROSE, MI  
ADDR: 1234 JACKSON ST, JACKSON, MI  
SUPP: VP SALES, ABC BUILDING SUPPLIERS INC

C/ACE CONSTRUCTION  
1501 WESTERN BLVD, JACKSONVILLE, NC  
A/ACE CONSTRUCTION CORPORATION  
JACKSONVILLE, NC

S/JONES, CHARLES/CIV  
M/W/C/000-22-0000/07MAY42/FALLS, MD  
ADDR: 105 PRINCE LANE, JONES MD  
SUPP: PRESIDENT, MILLER COMPUTER CONSULTANTS

C/MILLER COMPUTER CONSULTANTS  
121 MAIN STREET, FALLS, MD

(c) Organization Titles. The organization title always consists of a non-government or a non-business organization is suspected of committing, or is the victim of a crime; or when such groups are the focus of information being reported. The organization title always consist of two lines and is typed in upper case letters. The organization's name will appear on the first line and its geographical location on the second line (city and state if located in the U.S., or city and country if located outside of the U.S.). An example is as follows:

O/CIVILIANS AGAINST MILITARY AIRCRAFT  
SANTA ANA, CA (SPECIAL HANDLING: DOD DIRECTIVE  
5200.27 APPLIES)

6. MADE BY ENTRY. The "MADE BY" entry is entered two lines

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below the last line of the NI Title. The entry consists of the caption MADE BY in upper case letters, followed by a slash (/), the initials and last name of the investigator preparing the report, followed by a comma, a space and the CID component issuing the document. All entries under this caption will be typed in upper case letters. For example:

MADE BY/E.S. SLAGLE, CID, MCB, CAMLEJ, NC

MADE BY/C.W. LAUGHLIN, CID, MCAS CHERRY POINT

7. REFERENCE. When used, the caption REFERENCE is entered, left margin justified, two lines below the "MADE BY" entry in upper case letters. The references are then listed under the caption with their order indicated by lower case alphabetic characters in parentheses, beginning with (a) and continuing through the alphabet, including double letters if required (e.g., (z) would be followed by (aa), (bb) etc...). References will be upper case letters listed in the order they are discussed in the text of the ROI and all references listed must be mentioned in the text. The listing will be the standard alphabetic abbreviation for the CID component which originated the referenced document, followed by a space and the letters ROI, a slash (/), and then the date of the document. The date will consist of a numeric two digit day, a three letter, upper case, alphabetic abbreviation for the month and a numeric two digit year format with no spacing.

a. The use of "same subject" is not necessary in the listing if the reference has the same title or subject as the CID report upon which it is being listed. If the title or subject of the referenced document is different from that of the CID report listing it, a slash (/) will follow the date entry, one space, and the appropriate Name Identifier of the different title. If the subject of the reference is a document, directive, manual, etc., then the word "SUBJ" with a slash (/) and the title may be appropriate. If the title or subject as well as the control number is different, the subject entry should be followed by a slash (/) and the different control number entered. If only the control number is different, the different control number will be entered following a slash (/) after the date entry.

b. No document will be listed as a reference and as an exhibit on the same ROI. ROI's are documents which are meant for dissemination outside of the provost marshal office. Therefore, any references listed on those document types must be available to readers outside of the provost marshal office. Internal CID

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documents (e.g., ROI (OPEN), PM Instructions, directives, or orders) will not be listed as references on ROI's intended for external CID distribution. The format for listing references on documents will be such that the reader, if external to the provost marshal office, will have an understanding of the nature of the document listed (e.g.... Marine Corps Orders, SECNAVINST's etc...). Telephone conversations between investigators requesting investigative activity can be listed as references.

c. The following are examples of reference listings for ROIs:

### REFERENCE

- (a) MCAS YUMA ROI/22MAY92
- (b) MCO P5580.2/22MAY92
- (c) MCAS EL TORO ROI/02JUN92/ S/HUNT, LEONARD PERRY/CCN: 15MAY92-32ET-1228-7NMA
- (d) PHONCON BTWN E.P. MYER (CID, CAMLEJ) AND D.F. HALEY (CID, MCAS, CHERRY POINT)/04DEC92

8. CASE SUMMARY. The Case Summary caption is typed in upper case letters, left justification, two lines beneath the last line of the Reference section, or in the absence of a Reference section, the Made By entry. The Case Summary text is two lines below the Case Summary Caption, left justification, typed in upper and lower case letters. The Case Summary will not be numbered, but may be multi-paragraph. If multi-paragraphs are used there will be double spacing between each paragraph. The text will be specific and brief and can rely on references to exhibits for emphasis if needed. The Case Summary, if possible, should be limited to one page. It must be a concise summation of the results of the investigation and will establish the basic elements of proof for the offense(s) developed during the investigation. Allegations of criminal activity originally reported and investigated, but determined to be unfounded, will be reflected. If not pertinent to describing the conduct of the investigation, unnecessary detail such as serial numbers, license plate numbers, colors, makes and models of property, will not be included in the Case Summary of the ROI. Full identification of names, organizations, addresses, etc., is also not appropriate in the Case Summary, when the information is set forth in attached exhibits.

- a. The loss and recovery value of all stolen/damaged

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property must be reported in a separate sentence of the Case Summary of the ROI (CLOSED), and if deemed appropriate, in the Case Summary of pending ROI's. A sentence detailing the status of the investigation will be reflected in the Case Summary in all ROI (PENDING) and ROI (CLOSED) reports. The loss/recovery sentence and the case status sentence will appear as the last two sentences respectively in the narrative text portion of the Case Summary prior to the listing of paragraphs used for notification and administrative purposes.

b. Disclosure accounting paragraphs, police records checks paragraphs, and command notification paragraphs can be used under the Case Summary heading. These paragraphs will appear as the last entries under the case summary heading. Paragraphs reflecting disclosure accounting, and police records information should only be utilized when there is positive information to report.

c. The ROI (OPEN) and initial ROI (PENDING) will include in its Case Summary the background information which caused the initiation of the investigation and a summary of significant developments in the investigation to date.

d. Subsequent ROI (PENDING's) will reference the previously submitted ROI (PENDING) and summarize significant developments since those last reported.

e. The following are example entries for CASE SUMMARY:

### CASE SUMMARY (Example 1 for an ROI (OPEN))

Investigation was initiated after V/SMITH and V/WILLIAMS reported at 2235, 22Mar92, two men, one of whom was brandishing a straight razor, robbed V/SMITH of his wallet, containing \$120.00, and robbed V/WILLIAMS of her purse, containing \$60.00. The reported robbery occurred in the parking lot of the NCO Club, Building #2006, MCAS, Beaufort, SC.

### CASE SUMMARY (Example 2 for ROI (PENDING))

Investigation disclosed that between 1130 and 1245, 28May92, person(s) unknown stole a money bag belonging to V/PERKINS, containing \$5,000.00. The money was stolen from the men's restroom, Building 2305, MCAS, Yuma AZ, where PERKINS accidentally left it. Investigation to date has identified



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several witnesses who have been unavailable for interviews. Investigation is pending the interviews of these witnesses and additional efforts to recover V/PERKIN's money.

### CASE SUMMARY (Example 3 for ROI (CLOSED))

Investigation was initiated when S/SMITH reported she was robbed by two unidentified black males near Building 151, MCB, Camp Pendleton, CA. S/SMITH received no injuries as a result of the robbery. Exhibit (1) reflects a statement obtained from S/SMITH, relating the details of the robbery. Interviews were conducted of the duty personnel in Building 151 and surrounding buildings as denoted in Exhibit (2). These interviews revealed no pertinent information. The area S/SMITH claimed the robbery occurred, was examined and photographed as reflected in Exhibit (3); however, no significant information was obtained. S/SMITH was interrogated concerning the possibility she fabricated the robbery, at which time she admitted the robbery did not occur and she made the false report to gain sympathy from command members. Exhibit (4) reflects S/SMITH's confession. No further leads exist and investigation is closed.

9. STATUTES. The paragraph heading STATUTES follows the last paragraph of the Case Summary, double spaced, left justification, in upper case letters. The Statutes paragraph begins two spaces below the Statutes heading, left justification in upper and lower case letters. This paragraph will only be used in an ROI (CLOSED) and if deemed appropriate, an ROI (PENDING). This paragraph will identify the primary specific portions of the Uniform Code of Military Justice (UCMJ), the United States Code (USC), state statutes, and/or foreign statutes, which have been violated as supported by the investigation. This paragraph will not attempt to list every possible statute violated, but will indicate the primary statutes pertaining to the offenses listed in the title section and discussed in the Case Summary. This paragraph is only necessary when a Subject is listed in the NI Title.

10. EXHIBITS. Exhibits or copies of exhibits will be listed numerically in Arabic numerals in parentheses and in the order in which they are discussed in the text of the ROI. The Exhibits heading will appear two spaces below the last line of the listed. These headings will be entitled EXHIBITS (ATTACHED) followed by a list of exhibits attached to the report, and EXHIBITS (NOT ATTACHED) followed by a list of exhibits not attached to the

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report. In all cases, the heading or headings will be in upper case letters and the parentheses and word contained therein will appear on the same line as the heading, separated by one space. When used, the EXHIBITS (ATTACHED) heading will always be the first exhibits heading listed, followed by a descriptive listing of the attached exhibits, then followed by the EXHIBITS (NOT ATTACHED) heading and the list of exhibits not attached to the report.

a. The listing will begin left margin justified, with an Arabic number enclosed in parentheses, followed by two spaces, then a description of the exhibit. All entries in this section will be in upper case letters. A slash (/) will follow the description of the exhibit if a date appears on the exhibit. Immediately after the slash will be the date on the exhibit, reflected as a numeric two digit day, an alphabetic three letter abbreviated month and a numeric two digit year. If there is not a date on the document, the word "undated" will immediately follow the slash.

(1) If the exhibit is a photograph, a description of the photograph will be reflected and if known, the date the photograph was taken should appear in the same manner as the date reflected on document type exhibits. If the date of the photograph is unknown, there is no need to indicate this after the descriptive listing of the exhibit.

(2) The listing for each attached exhibit will also indicate the distribution for that exhibit if it is not meant to be distributed to all parties listed in the distribution section...Exhibits with limited distribution will identify the distribution in parentheses following three periods after the listing of the exhibit (e.g.. "(2) NEGATIVES OF PHOTOGRAPHS /10AUG92...(File ONLY)"). Exhibits without distribution limitation denoted in parentheses indicates everyone listed in the distribution section will receive a copy of that exhibit.

(3) The original of any attached exhibit, which is in the possession of the CID component, will always be attached to the file copy of the report unless it was obtained by a lead office. When a lead office obtains the original of an exhibit it will be attached to the control component's copy of the report and forwarded to the control component. When forwarding any original exhibit, it will be clearly indicated in parentheses following the exhibit description. When the original of an

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exhibit is not in the possession of the CID component, its location, if known, will be listed in parentheses immediately after the description of the exhibit, prior to the date of the exhibit (e.g.. (1) PAWN RECEIPT (ORIGINAL RETAINED BY ABC PAWN SHOP)/25APR94). This procedure is unnecessary for exhibits such as excerpts from books, official publications, maps, etc... where attempting to define the location of the original would not be practical.

b. Exhibits listed as "not attached" to the ROI will show, in parentheses, their location or disposition after the listing of each exhibit.

c. Generally, all written statements, crime scene sketches and reports of investigative action will be exhibits attached to the ROI. Any document-type evidence which has been seized during the course of the investigation and would contribute to an understanding of the investigation or support the findings thereof will be included under the attached exhibits section. Documents too voluminous or outsized material impractical to copy will be summarized in the case summary section and listed as not attached exhibits. Items which are not informational in nature, such as handwriting exemplars and standards, and documents collected for fingerprint evidence will not be listed as attached exhibits. Cooperating Witness (CW) statements will appear as attached exhibits with distribution limited to file and NCIS-24. Foreign language exhibits and their English translations will be listed as separate attached exhibits. Foreign language exhibits will only be attached to NCIS-24 and file copies, and their English translation will have unrestricted distribution. The following are examples of exhibit listings:

### EXHIBITS (ATTACHED)

- (1) STMT OF V/SMITH/10AUG92
- (2) MAP DEPICTING LOCATION OF PARKING LOT
- (3) IA: CRIME SCENE EXAMINATION/10AUG92
- (4) STMT OF S/JONES/15AUG92
- (5) IA: RESULTS OF INTERVIEW OF MORGAN/14AUG92
- (6) LTR FROM S/JONES/UNDATED
- (7) EMERGENCY MEDICAL TREATMENT RECORD OF V/SMITH  
(ORIGINAL RETAINED BY USNH, CAMLEJ)/10AUG92
- (8) PHOTOGRAPH OF PARKING LOT/10AUG92
- (9) PHOTOGRAPH OF V/SMITH'S INJURIES/10AUG92
- (10) NEGATIVES OF EXHIBITS 8-10...(FILE ONLY)

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- (11) CLUB...(CID EVIDENCE REPOSITORY-LOG #032-92)
- (12) (3)-LATENT IMPRESSIONS...(CID EVIDENCE REPOSITORY-LOG #033-92)
- (13) AUTOMOBILE, 1982 TOYOTA TERCEL, VIN KT2BL74WXE0098322...(RELEASED TO OWNER)
- (14) BICYCLE, MURRAY, SERIAL #A80100Z...(RELEASED TO OWNER)

d. All exhibits will be marked for identification. Exhibits will be stamped/typed with the caption "EXHIBIT ( )" on the bottom right margin of the first page of each document. If marking an original statement, or other similar legal document, in this location is not practical or would substantially alter the document, it can be marked in another sensible manner and location, as deemed appropriate. The Arabic number between the parentheses will be handwritten.

e. For judicial and administrative hearings, it may become necessary to provide the original exhibits to legal authorities. When this occurs, the originals attached to the file copy will be replaced by certified true copies prior to their release.

11. PARTICIPATING INVESTIGATOR. The identification of all law enforcement personnel participating in an investigative or collection action is reported under the heading "Participating Investigator(s)" on ROI's reporting the results of lead tasking, on closed ROI's and when appropriate pending ROI's. The heading will appear two lines below the last line of the exhibits section, left justification, in upper case letters. Two lines below the heading, left margin justified, in upper case letters will be a listing of names and organizations of the participating law enforcement personnel who assisted the reporting investigator. The reporting investigator's name will not appear under this caption. If the personnel are from the local installation where the report is published and distributed, a listing of organizations is not required. The following are examples of participating investigator entries:

### PARTICIPATING INVESTIGATORS

JOHN B. DOOR, MILITARY POLICE  
TERRY W. HERKER, CRIMINAL INVESTIGATOR  
LARRY R. JONES, INVESTIGATOR, CID CAMP LEJEUNE, NC  
MICHAEL E. SMITH, SA, NCISRA EL TORO, CA  
TOM M. MORGAN, DET, SWANSTON POLICE DEPT, SANTA ANA, CA

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12. ACTION/LEAD. Instructions for CID lead offices to perform investigative leads or certain administrative actions are set forth under the headings ACTION/LEADS or ACTION. The heading appears two lines below the last line of the previous section, left margin justified, in upper case letters. Two lines below the heading, left justification, is the entry describing specific directions for the type of investigative or administrative action(s) to be taken by a CID office. The entry begins with a single upper case letter purpose code followed by a period (.); the appropriate four character CID office identification code in upper case letters, followed by three periods (...); and a description of the action to be taken. When the action is to be taken, or noted, by everyone listed in the distribution section, the letters "DIST" can be used after the single letter purpose code, in lieu of the four character office identification code. When forwarding leads requiring NCIS action, the lead will be forwarded to the NCIS Field Office nearest the CID control component utilizing the appropriate NCIS four character office code. NCIS leads will only be forwarded via the local NCIS Field Office. The entry describing the requested action will be typed in upper and lower case letters.

a. The authorized Purpose Codes are:

(1) A - Indicates that administrative action, other than the conduct of investigative leads, is required of the receiving component. An "A" action, unless specifically requested, does not require a response by the action component.

(2) I - The receiving component is being sent an information copy for a specific reason other than routine distribution. An "I" purpose code is made when it is appropriate for the receiving component to have a copy for control purposes and for temporary inclusion in its files.

(3) L - The indicated component has investigative or operational lead(s) set forth for coverage. An "L" code requires a responding ROI from the receiving component. An "L" lead can be sent directly to any CID office.

(4) T - Control of the case has been transferred to the indicated CID component.

(5) Z - The indicated component is being directed to discontinue previously received tasking. Any productive

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investigative effort completed prior to receipt of a "Z" cancellation, but not yet reported, must be reported by an ROI (RUC).

- b. The following are examples of ACTION/LEAD entries:

### ACTION/LEAD

L.40KI...Utilizing the information contained herein and in Exhibits (1) through (8), interrogate X/DAVIS, concerning his involvement in the theft of V/SMITH's television.

A.25PE...Apprise HQBTRY, 1st BN, 11th MAR, 1st MARDIV of this investigation.

### ACTION/LEAD

L.23QV...Locate and interview Capt John A. HENRY, USMC, regarding his knowledge of S/NORTH'S association with X/CLARENCE.

13. DISTRIBUTION. The heading "DISTRIBUTION" is an administrative entry which is the last section of the report. The distribution heading appears two lines after the last line of the previous section, left justification, in upper case letters. The entries set forth under the heading identify the CID components, military commands or other agencies which are being provided copies of the CID report; the purpose for which the copy is being provided; and the method of distribution.

a. Two lines below the distribution heading the purpose of distribution sub-captions are entered, left margin justified, in upper case letters, followed by a colon (:). Two spaces after the colon, four types of sub-captions may be used: CMC, ACTION, INFO, and FILE. The entry following CMC will reflect distribution to a section at HQMC. The entries following the sub-captions ACTION and FILE will always be a four character CID and NCIS office identification code(s). If multiple CID and NCIS offices are on distribution their office identification codes are separated by slashes (/). If everyone on distribution is required to take or become aware of an action, the letters "DIST" will appear in upper case letters following the action heading. This entry is normally used when case control has been transferred and acknowledged. Following the INFO sub-caption, will be the listing(s) of commands and agencies which are being provided copies of the CID report. These organizations will be

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separated by slashes. All entries in this section will be typed in upper case letters. The sub-captions are used as follows:

(1) IGM - Indicates distribution to the Inspector General of the Marine Corps, Headquarters U.S. Marine Corps, which has cognizance over all investigative matters.

(a) POS - Indicates distribution to the Law Enforcement Section (Code POS), which has cognizance over all law enforcement matters, and reports certain investigations to the Deputy Navy Inspector General on Marine Corps matters, i.e., officers accused of misconduct, command canceled investigations.

(b) JAM - Indicates distribution to a section of the Judge Advocate Military Affairs Section (Code JAM), which has cognizance over all legal matters.

(c) NCIS-24 - Indicates distribution to NCISHQ, Law Enforcement Program & Physical Security Section (Code 0024) for review for entry into DCII.

(d) NCIS-29 - Indicates distribution to NCISHQ, Department of the Navy, Central Adjudication Facility Adjudication Department (Code 0029) for personnel security determinations and revocation of security clearances.

(2) ACTION - Indicates distribution to those components which have investigative leads or administrative actions set forth for them under the ACTION/LEAD or ACTION caption.

(3) INFO - Indicates distribution to those CID components having a need to be aware of the information contained in the CID report. Used to inform commands or other agencies of the results of the CID investigation. Closed ROI's will reflect distribution to the command(s) having an interest in the results of the investigation. Local policy will dictate who requires a copy of the report; however, distribution will always be limited to those commands and agencies having a need to know.

(4) FILE - Indicates file retention for administrative purposes.

b. There are three methods of distribution codes, all in parentheses, typed in upper case letters, immediately following the distribution listing: the letter (M) for mail, (F) for

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facsimile device and (E) for electronic mail. These codes are used to reflect the manner in which the ROI will be distributed to any of the CID offices or other addressees listed for distribution. When all addressees will be receiving the report by mail, the distribution code is not required. The following are examples of distribution entries:

### DISTRIBUTION

IGMC: IGMC(F)/NCIS-24(M)  
ACTION: 24LE(M)/27TN(E)  
FILE: (0004-94)

### DISTRIBUTION

IGMC: IGMC/JAM/NCIS-24  
INFO: CO, 3RDBN, 7THMAR, 1ST MARDIV/CO, HQBN, 1ST  
MARDIV/SJA, MCAGCC, 29 PALMS  
FILE: (1023-94)

c. Headquarters Distribution. Internal distribution of CID case documentation, including ROI's and attached exhibits, is based on a number of requirements. CMC (POS) will receive a copy of any investigation that is:

(1) Considered to be Sensitive/High Profile in nature (of interest to HQMC general officers, requiring a report to the Secretary of Defense, or likely to receive news media attention).

(2) When an officer is listed as a suspect.

(3) When an investigator is listed as a suspect.

d. NCIS-24. Indicates distribution to NCISHQ, Law Enforcement Program & Physical Security Section (Code 0024) for review and consideration for entry into DCII. All CID reports with the exception of taskings by a control office to a lead office and the ensuing ROI (RUC) will be forwarded to NCIS-24.

## 14. SUPPORTING DOCUMENTATION

a. Investigative Action. Investigative action will be formally documented during an investigation by the control office and lead components. The vehicle for recording such action is the Investigative Action (IA) form. The IA reporting



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investigative action must be prepared within three work days of the completion of the investigative action.

(1) All positive investigative action will be documented by a separate IA and will be included as an exhibit to pending and closed ROI's. IAs document all persons interviewed where no statement was obtained, detail results of interviews, crime scene searches (including non-productive), contract reviews, record checks, positive surveillances, and the results of interrogations where no statement is obtained, etc... Multiple interviews of individuals may be reported in the same IA if they occurred during the same general time period and provided essentially the same information. A single IA should not be used to document separate and distinct actions simply because they occur during the same general time frame. For example, it would be improper to use a single IA to document a review of records, an interview of a witness and the interrogation of a suspect because all were conducted by the same investigator on the same day.

(2) Certain nonproductive investigative activity such as negative records checks, negative permissive searches, negative pawnshop checks, etc... does not need to be documented by IA, and can be synopsisized in the responding case summary of the ROI.

(3) Interviews which elicit substantive information from the interviewee will be reduced to signed sworn statements. A suspects statement of culpability or denial will be reduced to writing and will either be sworn or affirmed to. Only if the person refuses to reduce their statement to writing can the IA be used. This procedure is followed except in cases where the sworn statements are not desired by prosecuting authorities or other law enforcement agencies. When a substantive interview is not reduced to a sworn statement, it must be documented on an IA. In all instances, persons interviewed in connection with an investigation will be fully identified in an IA, if a statement is not obtained.

(4) The results of substantive investigative activity completed by a lead office will be documented in an IA. The IA will be attached as an exhibit to the ROI (RUC) and forwarded to the control office for inclusion in the case file.

(5) Guidance to prepare the IA is set forth below.

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(a) The IA will be printed on white bond paper. The top and bottom margins, left and right margins, and CID masthead will appear in the same format as the ROI. Three lines below the masthead, left margin justified, the word "TITLE" in upper case letters will be printed, followed by a colon. Two spaces after the colon will be the first line of the NI Title that appears on the ROI, in upper case letters. One line below the title, the letters "CCN" in upper case, will be printed, followed by a colon. Two spaces after the colon the CCN assigned to that ROI will be printed. Two lines below the CCN heading, left margin justified, the words "INVESTIGATIVE ACTION," in upper case letters will be printed, followed by a colon. Two spaces after the colon will be the appropriate description of the nature of the investigative action being reported. The description will be as brief as possible. Two lines below the description of the IA, left margin justified, in upper and lower case letters, will be the text of the IA. The text information will be reported in block paragraphs.

(b) Subsequent pages of all IAs will utilize the same top and bottom, and left and right margins as the first page; however, the CID masthead will be omitted. The words "INVESTIGATIVE ACTION (CONTINUATION) " will be the first entry after the one inch top margin, left margin justified, in upper case letters. Two lines beneath the INVESTIGATIVE ACTION (CONTINUATION) heading left margin justified, in upper case letters, will appear the same document description reflected on the first page followed by a slash (/) and the CCN. The text will continue two lines below the document description and CCN line. At the conclusion of the information entered, add 4 lines and on the fifth line, left margin justified, in upper case letters, print the words "REPORTING INVESTIGATOR", followed by a colon. Two spaces after the colon, in upper case letters, print the name of the reporting investigator in the format of first name, middle initial and last name. On the following line, left margin justified, in upper case letters, the word "OFFICE" will be entered, followed by a colon. Two spaces after the colon, in upper case letters, enter the name of the reporting CID office. On the next line, left margin justified, will appear the words "DATE PREPARED", in upper case letters followed by a colon. Two spaces after the colon, in upper case letters, the date that the IA was prepared will be entered. The reporting agent will not sign or initial the IA. At the bottom of each IA page, immediately preceding the one inch margin, left margin justified, "PAGE \_\_\_\_\_ OF \_\_\_\_\_" will be entered in upper case letters with

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appropriate page numbers indicated.

(c) Documents attached to an IA will be called enclosure(s) and will be marked and listed in the identical manner as exhibits. When enclosures are attached they will appear under the heading "ENCLOSURES", which will be typed in upper case letters, left margin justified, two lines following the last line of the text, prior to the "REPORTING INVESTIGATOR" heading. Two lines beneath the enclosures heading will be the listing of enclosures. The manner for listing enclosures is identical to the format for listing exhibits.

### b. Investigative Notes

(1) An Investigative Notes form (OPNAV Form 5527/6), will be generated whenever investigative action occurs. The method of taking notes, handwritten and/or typed, will be left to the discretion of the investigator as long as the notes identify persons interviewed, their residence, business address, and telephone numbers, dates and places of interview, and reflect all pertinent information. Notes should always be comprehensive, accurate, and neat. Investigator's notes must be readable and understandable by another investigator, who may continue the inquiries.

(2) All notes, whether rough or finished, will be preserved. Notes will be stored in the case folder with the exhibits obtained during the investigation, at least until such time as the case is disposed of or it is certain that no further use of them will be necessary. When judicial proceedings have occurred, the case notes will be preserved until the case has been processed through the appeal system.

## 15. ADMINISTRATIVE REQUIREMENTS

a. Reporting Requirements. All investigations will be completed and reported as expeditiously as possible.

(1) The initiation of an investigation requires an ROI (OPEN) be published within 24 hours of receiving the complaint and confirming an offense has been committed.

(2) One exception to the 24 hour requirement is an ROI with the status code of ONLY. This category of report must be completed within 10 calendar days.

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(3) Command notification will be made at a minimum of every 30 days and reflected as a separate paragraph in the case summary of the ROI.

(4) An ROI (CLOSED) will be submitted at a minimum of 30 days after initiation of the investigation. In the event case activity cannot be completed within 30 days, an ROI (PENDING) will be submitted and resubmitted every 30 days thereafter, until the investigation is closed.

(5) An ROI (CLOSED) must be submitted within 5 work days after completion of the last substantive lead on the investigation.

b. Title and CCN Changes. Title information is the means by which CID documentation regarding persons and companies is indexed into the Defense Clearance Investigation Index (DCII). When title information changes or a need exists to add to the title or correct an error in the title, proper change procedures will ensure the proper identification for DCII file information for both current and future retrieval. The means for changing or correcting titles, or indexing additional individuals, companies or organizations to CID case files is the submittal of an ROI (CHANGE). When an ROI (CHANGE), changing a title is submitted, it must reference either the ROI (OPEN), ROI (ROPEN) or the last ROI (CHANGE) for the investigation. The reference listing section of the ROI (CHANGE) must include the former master title if the master title has changed, and CCN if the CCN has changed. This should also be done when the ROI (CHANGE) is for the correction of the spelling of the family name of a person listed in the title. Whenever an ROI (CHANGE) is submitted, it must list the master and all secondary titles for the investigation and should specify, exactly what information is being added, changed or corrected. Changes will be submitted at the time the new or correct information is obtained.

(1) When the suspect is unknown, CID investigations are initiated with Generic/Incident (I/) or Victim (V/) titles. Company (C/) and Organization (O/) titles are used when those entities are subjects, co-subjects or victims of a crime. In those circumstances, an ROI (CHANGE) must be submitted when a logical suspect is developed. The Subject (S/) title will be listed as the master title. If a group of suspects is developed, the additional suspects will be listed as Co-subjects (X/) and any Victim titles (V/, C/, or O/) will be listed as secondary

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titles below those of Subject and any Co-subjects.

(2) If, after a case has been initiated, it is determined that there is a change or correction to a personal name title, a separate ROI (CHANGE) must be submitted. Similarly, an ROI must be submitted for a change or correction to identifying data elements (i.e., SSN, birth date and birthplace). Changes in those items require modification of the record in DCII. A separate ROI is not necessary for any changes or correction to rank, rate, etc. Such entries may be changed or corrected simply by making the modification without any further specific notation unless it is a relevant item of the investigation. In such a situation, the change of pertinent data should be noted in the text of the ROI. An example of a title change ROI is provide as Figure \_\_\_\_.

(3) Deletion of an individual as the Subject, Co-Subject or Victim of an investigation after an investigation is closed will not be requested. Should there be an inquiry of the DCII by either the individual concerned (via Privacy Act procedures), the CID, or another law enforcement agency, the pertinent investigative report will be surfaced and the facts, as reported, will provide details of the individual's involvement or non-involvement. The removal of an individual's name from the DCII could prove to be a disservice to either the individual or an agency since pertinent information can only be retrieved from the DCII through personal identifying data.

c. Lead Tasking. The performance of investigative lead(s) or certain administrative action(s) conducted by CID and NCIS components...

(1) The control office will be specific in its investigative leads. The lead component will take whatever actions are necessary to carry out that part of the investigation and pursue any newly developed leads. Investigative leads should be disseminated and reported by the fastest, most efficient and responsible means available. Telephonic and electronic requests and responses are encouraged as are the use of facsimile transmissions. Direct lead tasking between all CID components and other agencies (i.e., NCIS, police agency, etc..) is appropriate for timely completion and reporting of leads. The control office may request expeditious handling of a lead in those circumstances where normal timeliness requirements are not sufficient to meet a critical need. Telephonic coordination is

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recommended between the control office and the lead office before requesting expeditious handling. The CID report documenting the lead must specifically request expeditious handling and indicate the reason for the request.

(2) All lead correspondence will be conducted via certified mail, facsimile device or electronic means, except when minimal investigative action is required and a telephone answer would suffice.

(3) The lead component will publish an ROI (RUC) to assist the control office in composing its final ROI.

(4) The initiation of an investigation by a lead office does not require a written report from the CID tasking component if the request is simple and the basis for the investigation can be provided by telephonic means. The lead office will make the determination whether the request is simple. The lead office will reflect the telephonic conversation as a reference in its ROI (RUC) report.

(5) There must be a separate CID case file controlled by a CCN for each investigation managed by the control office. The control office will maintain all original documentation. The lead component will initiate a file and assign a file number for file management purposes. The lead office file number will be annotated on the ROI (RUC) under the DISTRIBUTION caption following FILE in parentheses. The file managed by the lead office can be destroyed after 90 days upon completion of the last lead. A lead request will not have a Military Police sequence number or be recorded in the lead component's desk journal. Command appraisal on a lead request or distribution of any CID documents will be coordinated with the control office. It is the control office's responsibility through the lead office to keep command(s) apprised.

(6) A lead component will report the results of lead tasking within five work days from date of receipt of the lead. If the tasking will likely extend beyond five work days, the lead office will initiate an ROI (PENDING), reflecting the lead request has been received and the estimated date the lead will be completed. The lead office will provide an estimated date of completion one time with an explanation.

(7) Documentation of a RUC report done by a lead office

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will be incorporated into the control office's case file. All of the pertinent information in the ROI (RUC) will be extracted and reported in the case summary just as any other investigative action. All exhibits forwarded by ROI (RUC) will be incorporated into the control office case file. Exhibits collected by lead offices will not be marked until received by the control office.

d. Cancellation of an Investigation. Cancellation of a CID investigation will require a published ROI report with an explanation for the cancellation and the rank, name, and title of the person who directed or requested the investigation be closed prior to completion.

e. Reopening Investigations. If a need for additional investigative effort is identified at any time after an investigation is closed, it will be reopened by submission of an ROI with a status code of ROPEN. The investigation is reopened with the same title entry(s) and the same CCN as that under which it was closed.

f. Transfer of Control. The transfer of primary investigative responsibility between CID components will include providing all original documentation to the new case control office. Original documentation does not include case note activity. The report transferring control will be mailed certified with return receipt requested. Physical evidence will be transferred between the two components as mutually agreed.

(1) Preliminary coordination will be established by the originating CID component with the receiving component. This coordination is intended to facilitate transfer of control and identify and resolve any problems incidental to the transfer. Coordination may be either telephonic or by electronic message.

(2) An ROI (PENDING) with a "T" disposition code after the CCN, will effect transfer of case control, and a "T" lead under the ACTION/LEAD caption to the receiving component transferring case control. The CASE SUMMARY of the ROI will set forth the reason for the transfer. Normally, a transferred case is distributed only to the new case control office and NCIS-24, however, if deemed appropriate distribution can be made to commands. If distribution was kept internal to CID components, the final report published by the new control office will combine all pertinent information obtained during the investigation to include extracting pertinent information from the ROI/T.

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(3) If, at the time of the transfer of investigative responsibility, there are outstanding leads at other CID offices, an ROI will be submitted by the transferring component with action set forth under the ACTION/LEAD caption. This action will direct all components with outstanding leads to report the results of those leads to the CID component that will be assuming case control.

(4) Within three work days of receipt of the transfer, the receiving component will publish an ROI (PENDING) to all affected components acknowledging assumption of case control. To avoid duplicate reporting and indexing into DCII, the CID component assuming control will not assign a new CCN, rather, will continue to utilize the CCN assigned by the transferring office. The /T disposition code will be utilized on all subsequent reports until the ROI (CLOSED) is submitted. It is the responsibility of the former control office to ensure the transfer is completed. The transfer of control is accomplished when the former control office has received the ROI acknowledging the new control office assumption of the investigation. The ROI (CLOSED) will have the appropriate closure disposition code. Once transfer of control has been accomplished, there is no requirement for the former control office to routinely receive copies of documentation.

The following are examples of relevant entries for an ROI (PENDING) transferring case control from MCB, Camp Lejeune (24LE) to MCB, Camp Butler (40KI) with an outstanding lead to MCLB, Barstow (30BA):

CONTROL: 08AUG92-24LE-2510-7NNA/T

ACTION/LEAD

T.40KI...CASE CONTROL TRANSFERRED

A.30BA...PROVIDE RESULTS OF OUTSTANDING LEADS TO  
40KI.

The following is an example of the MCB, Camp Butler (40KI) ROI (PENDING) acknowledgment of assumption of case control.

CONTROL: 02OCT92-40CB-3224-7NMA/T



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ACTION/LEAD

A.DIST...40KI HAS ASSUMED CASE CONTROL OF THIS INVESTIGATION

g. Internal CID Special Handling Caveats

(1) Financial Information. Any ROI containing customer information from a checking or savings account at a bank, credit union or other consumer finance or credit institution obtained under the provisions of the Right to Financial Privacy Act (12 U.S.C. 3401 et seq) must have the following typed in upper case letters, two lines below the last entry prior to the case summary, left margin justified:

SPECIAL HANDLING: SOME OF THE INFORMATION CONTAINED HEREIN (cite specific paragraphs) IS FINANCIAL RECORD INFORMATION WHICH WAS OBTAINED PURSUANT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978, 12 U.S.C. 3401 ET SEQ. THIS INFORMATION MAY NOT BE RELEASED TO ANOTHER FEDERAL AGENCY OR DEPARTMENT OUTSIDE THE DEPARTMENT OF DEFENSE WITHOUT COMPLIANCE WITH THE SPECIFIC REQUIREMENTS OF 12 U.S.C. 3412.

(2) Any documents from those records included as exhibits or enclosures must be marked as follows:

SPECIAL HANDLING: THIS RECORD WAS OBTAINED PURSUANT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978, 12 U.S.C. 3401 ET SEQ, AND MAY NOT BE TRANSFERRED TO ANOTHER FEDERAL AGENCY OR DEPARTMENT WITHOUT PRIOR COMPLIANCE WITH THE TRANSFERRING REQUIREMENTS OF 12 U.S.C. 3412.

(3) Juvenile Information. There is no requirement for a special handling caveat for juvenile information. CID reports containing information regarding a juvenile will adhere to Title 18 USC 5038 which implements additional safeguards from disclosure to unauthorized persons.

h. Disclosure Accounting. Copies of CID reports are routinely disseminated to authorized USMC/USN commands and counterpart DOD criminal investigative agencies. Dissemination is also routinely made to authorized non-DOD addressees such as civilian law enforcement agencies at the federal and local level. Authorized disclosures made outside of DOD requires compliance with the disclosure of accounting procedures of the Privacy Act

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of 1978 if a Subject, Co-Subject or Victim is indexed as a master or secondary title. When disclosures are made while an investigation is in progress, the required disclosure data will be entered on the ROI for which the disclosure is made. This will be a separate paragraph in the ROI and will appear as the last paragraph of the case summary...The disclosure accounting paragraph must contain the date, nature and purpose of disclosure, and the name and address of the person and agency to whom the disclosure is made. If the investigation is closed, a disclosure accounting form is used.

### Examples:

A copy of this report was provided to Detective Jerry R. KNIGHT, FCPD, Fairfax, VA, for law enforcement purposes.

A copy of this report was provided to District Attorney Edward G. SMITH, District Attorney Office, San Bernardino County, Jushua Tree, CA, for prosecution purposes.

i. Classification Guidelines. If a CID report contains or forwards as an exhibit classified information, there are various requirements for markings and entries. Those requirements include security classification page markings; control and warning notice markings; classification authority and downgrading/declassification instruction entries; and title and paragraph markings. Reference and exhibit listing markings, storage, and filing procedures are contained within MCO P5510.18, Standard Operating Procedures for Personal Security Program.

j. Polygraph Examination. The examiner's opinion of polygraph examinations are considered preliminary. The results will not be released to any official, external to CMC POS, pending the review of quality control by the USMC Polygraph Program Manager. NCIS-24 will maintain permanent retention of all USMC polygraph reports. With Headquarters Marine Corps authorization, the results may be released to concerned commands. Preliminary findings may be released to other investigative agencies having a law enforcement interest. For guidance in reporting preliminary polygraph opinions, investigators will coordinate with the examiner of record.

### k. File Retention and Disposal

(1) CID case files will be maintained by the Provost

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Marshal office. CID will have ready access to the CID files. File retention starts with the current year plus two years. Any retention of a CID case file beyond the set period must contain a written explanation for the retention, signed by the Provost Marshal.

(2) Final storage retention will be coordinated with the designated Federal Archives facility in accordance with SECNAVINST P5212.5. The Records Transmittal & Receipt document, standard form 135, will acknowledge space allocation by the Federal Archives facility. The forwarding of CID records for final storage will meet the facility specifications. A copy of the Records Transmittal & Receipt document will be permanently maintained in the appropriate CID case log of the local files, for five years.

1. Case Review. At a minimum of every 15 days, a thorough case review will be conducted of each case file of all active investigations. This review will be conducted by a designated supervisor assigned to the CID office. A case note entry will be made upon conclusion of each case review.

### 16. NAME CODING PROCEDURES

#### a. Surnames with prefixes:

(1) Surname entry will include the prefix whether it is an attributive, a preposition, or an article or a contraction. All are considered part of the surname and are entered without spacing within the surname.

#### Name

Jose Enrique D'alemedia	DALEMEDIA, JOSE ENRIQUE
Juan Roberto DaSilva	DASILVA, JUAN ROBERTO
Arthuro De La Rosa	DELAROSA, ARTHURO
John Vicent O'Brien	OBRIEN, JOHN VINCENT
Charles Van De Water	VANDEWATER, CHARLES

(2) Exceptions to the preceding: The articles "de", "e", and "y" used in the names of Spanish married women between the maiden and married names will be disregarded.

#### Name

Maria Sanchez de Jiminez  
Nee: Maria Sanchez Costa

#### Entry

JIMINEZ, MARIA SANCHEZ  
SANCHEZ, MARIA COSTA

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(3) The article "el" used in the names of individuals will not be considered a part of the surname and will be entered following the complete name for the master title entry. The "el" should, however, be entered as an alias.

<u>Name</u>	<u>Entry</u>
Hasan Karim el Kareh	KAREH, HASAN KARIM EL
A/ELKAREH, HASAN KARIM	

(4) "Al" or the assimilated form "ad", "az" joined by the hyphen to the following word, as used in Arabic names, will be entered following the complete name for the master title entry. The "al" should, however, be entered as an alias.

<u>Name</u>	<u>Entry</u>
Yusuf Amin Al-Khalid	KHALID, YUSUF AMIN AL
A/ALKHALID, YUSUF AMIN	

b. Compound Names. Enter compound names under the complete name without spacing between the first and second parts of the name:

<u>Name</u>	<u>Entry</u>
Theodore Mark Watts-Dutton	WATTSDUTTON, THEODORE MARK

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## APPENDIX J

### STATE ABBREVIATION

The following is a list of state and territory abbreviations, and correct spelling. The states and territories are abbreviated in Incident/Complaint Reports.

#### STATE

AL Alabama  
AK Alaska  
AZ Arizona  
AR Arkansas  
CA California  
CZ Canal Zone  
CO Colorado  
CT Connecticut  
DE Delaware  
DC District Of Columbia  
FL Florida  
GA Georgia  
GU Guam  
HI Hawaii  
ID Idaho  
IL Illinois  
IN Indiana  
IA Iowa  
KS Kansas  
KY Kentucky  
LA Louisiana  
ME Maine  
MD Maryland  
MA Massachusetts  
MI Michigan  
MN Minnesota  
MS Mississippi  
MO Missouri

#### STATE

MT Montana  
NE Nebraska  
NV Nevada  
NH New Hampshire  
NJ New Jersey  
NM New Mexico  
NY New York  
NC North Carolina  
ND North Dakota  
OH Ohio  
OK Oklahoma  
OR Oregon  
PA Pennsylvania  
PR Puerto Rico  
RI Rhode Island  
SC South Carolina  
SD South Dakota  
TN Tennessee  
TX Texas  
UT Utah  
VT Vermont  
VA Virginia  
VI Virgin Islands  
WA Washington  
WV West Virginia  
WI Wisconsin  
WY Wyoming

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## APPENDIX K

### COUNTRIES ABBREVIATIONS AND SPELLING

The most common countries are listed in alphabetical order. The code is listed for each country along with the correct spelling. The country names are spelled out in Incident/Complaint Reports and documents to eliminate any confusion to the reader.

<u>CODE</u>	<u>COUNTRY</u>	<u>CODE</u>	<u>COUNTRY</u>
AQ	American Samoa	LI	Liberia
AR	Argentina	MX	Mexico
AS	Australia	MQ	Midway Island
BF	Bahamas	MG	Mongolia
BB	Barbados	MO	Morocco
BD	Bermuda	MZ	Mozambique
BL	Bolivia	NP	Nepal
BR	Brazil	NL	Netherlands
BP	British Solomon Island	NZ	New Zealand
VI	British Virgin Islands	NU	Nicaragua
CA	Canada	NG	Niger
CJ	Cayman Islands	NI	Nigeria
CH	China	PK	Pakistan
TW	China (Taiwan)	PN	Panama
CO	Colombia	PF	Paracel Islands
CS	Costa Rica	PA	Paraguay
CU	Cuba	PE	Peru
DR	Dominican Republic	RP	Philippines
EC	Ecquador	PL	Poland
EG	Egypt	RQ	Puerto Rico
ES	El Salvador	RS	Russia
FR	France	SA	Saudi Arabia
GE	Germany	SN	Singapore
GQ	Guam	SO	Somalia
GT	Guatemala	UR	Soviet Union
GV	Guinea	SP	Spain
HA	Haiti	SU	Sudan
HO	Honduras	SY	Syria
IC	Iceland	TH	Thailand
IN	India	TD	Trinidad & Tobago
ID	Indonesia	UG	Uganda
IR	Iran	UP	Ukraine
IZ	Iraq	UK	United Kingdom
IS	Israel	IQ	US-Pacific Islands

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CODE COUNTRY

IT Italy  
JM Jamaica  
JA Japan (Ryukyu Is)  
JO Jordan  
KE Kenya  
KN Korea (North)  
KS Korea (South)  
KU Kuwait  
LE Lebanon

CODE COUNTRY

UY Uruguay  
VE Venezuela  
VM Virgin Islands  
WQ Wake Islands  
WS Western Samoa  
YE Yemen Arab Republic  
YS Yemen, People Demo Rep  
ZA Zambia

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## APPENDIX L

### TABLE OF REFERENCES

<u>REFERENCE</u>	<u>REFERENCE NUMBER</u>	<u>REFERENCE TITLE</u>
(a)	SECNAVINST 5212.5	Disposal of Navy and Marine Corps Records
(b)		Marine Corps Manual
(c)		Uniform Code of Military Justice
(d)		Manual for Court Martial
(e)		Title 18, U.S.C.
(f)		Assimilative Crimes Act, section 13 of title 18, <u>United States Code</u>
(g)		U.S. Navy Regulations
(h)		Posse Comitatus Act, section 1385 of title 18, <u>United States Code</u>
(i)	SECNAVINST 5820.7	Cooperation with Civilian Law Enforcement Officials
(j)	MCO P1200.7	Military Occupational Specialties Manual (Short Title: MOS Manual)
(k)	MCO P1000.6	Assignment, Classification, and Travel Systems Manual (Short Title: Civilian Employment of Marine Corps Personnel
(l)	MCO 5330.	
(m)	MCO 5110.1	Motor Vehicle Traffic Supervision
(n)	MCO 1752.3	Marine Corps Family Advocacy Program Standing Operating Procedures (Short Title: FAP SOP)
(o)	DoD DIR 5030.49	DoD Customs Inspection Program
(p)		Status of Forces Agreement
(q)	OPNAVINST 5585.2	Department of the Navy Military Working Dog (MWD) Program
(r)	MCO P1020.34	Marine Corps Uniform Regulations
(s)	MCO 4400.120	Joint Regulations Governing the Use and Application of Uniform Source Maintenance and Recoverability Codes
(t)	MCO 5500.14	Flight Line Security (FLS) Program
(u)	MCO 1630.3	Marine Corps Detention Space/Cells Standards, Policies, and Procedures
(v)	MCO 3302.1	The Marine Corps Antiterrorism Program
(w)	OPNAVINST 5530.14	Department of the Navy Physical Security and Loss Prevention



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(x)	MCO 1510.86	Individual Training Standards (ITS) System for the Military Police and Corrections Occupational Field (OccFld) 58
(y)	MCO 5500.6	Arming of Security and Law Enforcement (LE) Personnel and the Use of Force
(z)	AR 195-5	Evidence Procedures
(aa)	MCO 1220.5	Enlisted Lateral Move Program
(bb)	SECNAVINST 5520.3	Criminal and Security Investigations and Related Activities within the Department of the Navy
(cc)		Memorandum of Understanding (MOU) Between Commandant of the Marine Corps (CMC) and the Director, Naval Criminal Investigative Service (NCIS)
(dd)	FM 19-20	Law Enforcement Investigations
(ee)	SECNAVINST 5520.4	Department of the Navy Polygraph Program
(ff)		Reports and Forms Preparation Guide for the Navy Security Force
(gg)	MCO 1630.4	Law Enforcement and Physical Security Activities
(hh)	MCO 4340.1	Reporting of Missing, Lost, Stolen, or Recovered (MLSR) Government Property
(ii)	MCO 5500.18	Crime Prevention
(jj)	OPNAVINST 5530.13	Department of the Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives (AA&E)
(kk)	SECNAVINST 5211.5	Department of the Navy Privacy Act (PA) Program
(ll)	SECNAVINST 5720.42	Department of the Navy Freedom of Information Act (FOIA) Program
(mm)		Brady Handgun Violence Prevention Act, Public Law 103-159, section 921 of title 18, United States Code
(nn)	DoD MAN 4160.21M	Defense Reutilization and Marketing Manual
(oo)	DoD DIR 3025.15	Military Assistance to Civil Authorities

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(pp)		Uniform Crime Reporting Act of 1988, Public Law 100-690, section 534 of title 28, United States Code
(qq)		Black's Law Dictionary
(rr)		Uniform Crime Reporting Handbook
(ss)		NCIC Uniform Offense Classifications
(tt)		Fifth Amendment to the Constitution
(uu)	Public Law 93-415	The Federal Juvenile Justice and Delinquency Prevention Act
(vv)	MCO 5100.19	Marine Corps Traffic Safety Program (DRIVESAFE)
(ww)	DoD DIR 5210.56	Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties
(xx)	SECNAVINST 5500.29	Use of Deadly Force and the Carrying of Firearms by Personnel of the Department of the Navy in Conjunction with Law Enforcement, Security Duties and Personal Protection
(yy)	MCBul P8011	Class V(W) Material Allowances for Training and Security
(zz)	MCO P8011.4	Marine Corps Table of Allowances for Class V(W) Material (Peacetime)
(aaa)	MCO P5510.18	Headquarters, U.S. Marine Corps Standing Operating Procedures for the Information and Personnel Security Program (Short Title: HQMC INSECMAN)